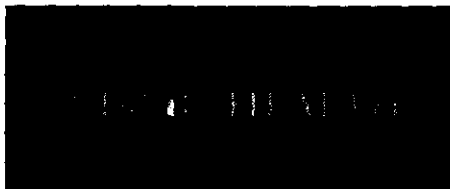
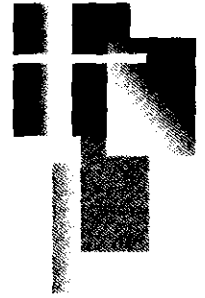


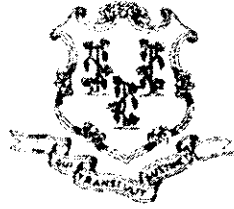
# **SOLID WASTE HAULING ADVISORY GROUP**

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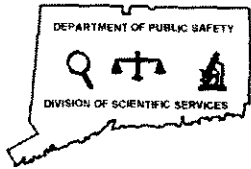


**Preliminary Report to  
The Honorable M. Jodi Rell, Governor  
State of Connecticut**

**July 21, 2006**



## STATE OF CONNECTICUT



### DEPARTMENT OF PUBLIC SAFETY OFFICE OF THE COMMISSIONER

Leonard C. Boyle  
Commissioner

Andrew R. Crumble, Esq.  
Executive Assistant

July 21, 2006

The Honorable M. Jodi Rell  
Governor of Connecticut  
State Capitol  
Hartford, CT 06106-1591

*Re: Preliminary Report of Solid Waste Advisory Group*

Dear Governor Rell:

On June 10, 2006, you requested that the Departments of Public Health (DPH), Consumer Protection (DCP), Environmental Protection (DEP), Public Safety, and the Chief State's Attorney's Office (CSA) form an Advisory Group (the Group) to make recommendations regarding the creation of an Authority to oversee and/or license the business practices of entities engaged in transporting solid waste in Connecticut. You requested that the Group make suggestions for both statutory and regulatory changes to better monitor the activities of the industry and that those recommendations be submitted by July 21, 2006.

The Group now has met four times, including one public hearing, and has reviewed the existing federal, state, and municipal statutes and regulations that govern the industry and its business practices. Given the complexities of the industry, the Group believes that additional study is necessary in order to provide recommendations that will guard against improper influences and corrupt practices in the industry, while at the same time limiting bureaucratic oversight that might burden small, law-abiding haulers, thereby making the industry less competitive. Therefore, we submit this as a preliminary report of our activities, and ask that we be permitted to submit final recommendations by September 15, 2006.

1111 Country Club Road  
Middletown, CT 06457-9294  
Phone: (860) 685-8000  
Fax: (860) 685-8354  
*An Equal Opportunity Employer*

The Group began its work by determining the extent to which the solid waste - or trash hauling - industry has been influenced by corrupt practices. Your request followed the federal indictment of several solid waste haulers on racketeering and related charges in Connecticut. The indictment alleges that those haulers – which operated primarily in Fairfield and New Haven counties – engaged in collusive and predatory business practices and that organized crime elements had infiltrated the industry. As a result of that indictment, the United States District Court issued a restraining order and installed a monitor to operate the indicted businesses. In addition, we found that over the past two decades Connecticut state authorities also have initiated a number of criminal and civil cases against members of the industry for unlawful business and environmental practices.

In 1988, the Attorney General filed lawsuits against a large number of trash hauling companies doing business in the Stamford area and their owners/operators alleging that they had entered into unlawful agreements to divide the territory and give each hauler exclusive rights to identified customers. These agreements, which were often in written form, had the effect of unreasonably restraining competition to the detriment of the citizens of the greater Stamford area. Upon final judgment in the lawsuits, the trash hauling companies and their owners were required to pay \$795,000 to the State of Connecticut.

In 1993, the Attorney General filed a lawsuit in United States District Court against nine trash haulers operating in the greater Hartford area and their owners/operators. The Attorney General alleged that these haulers, who provided refuse removal service for a large number of corporations and public entities, rigged bids, refused to provide price quotations, and engaged in other collusive behavior designed to allocate the customers among themselves. Upon final judgment in the lawsuit, the haulers and their owners/operators were required to pay over \$1.1 million.

In the metropolitan New York area, several criminal prosecutions have established that the trash hauling industry has been susceptible to organized crime influence. As a result of those cases, the City of New York, Westchester County, and the State of New Jersey have imposed varying degrees of requirements on those engaged in the industry. A summary of each is attached at Tab A; but it is fair to say that Westchester County has adopted the most comprehensive regulatory scheme, with New York City's being somewhat less ambitious, and New Jersey's less restrictive still. The Group believes that it would be beneficial to your analysis of this matter if it were to examine further each of these regulatory schemes to determine which model has been most successful at protecting the public, while still fostering a competitive business climate.

At our public hearing Connecticut's Attorney General Richard Blumenthal urged that because of the demonstrated history of unlawful practices within the industry, Connecticut should require that all solid waste haulers obtain a license. Currently, hazardous waste haulers are licensed by DEP, following a review of past environmental compliance. The Attorney General cautioned against creating a new bureaucracy, suggesting that existing state and federal laws are largely effective in punishing wrongful business practices. The Attorney General added that Connecticut might strengthen its business environment by creating criminal antitrust violations.

The Attorney General's position against creating an entirely new bureaucracy was supported by Mike Paine, who told the Group that his family has owned a trash hauling business in East Granby for three generations. Mr. Paine cogently explained the many licensing and permitting fees that haulers currently pay to municipalities in which they operate and argued that the creation of additional fees at the state level would adversely affect small businesses, which is important to providing a competitive environment in this industry.

The Group also considered that the Connecticut DEP is currently proposing, for public comment, amendments to the State's Solid Waste Management Plan. An executive summary of the draft Plan, as well as related materials, are attached (Tab B). The draft Solid Waste Management Plan, which has been in development for many months, proposes the licensing of solid waste haulers to address environmental concerns. The Group views its charge as recommending regulations and oversight to the industry's business practices and therefore believes that its recommendations should complement – but not overlap – the draft Solid Waste Management Plan.

The Group also has learned that trash haulers are regulated to varying degrees by the municipalities in which they operate. We believe that an effective state licensing and oversight plan must take into account the regulations imposed by municipalities so that law-abiding haulers will not be unduly encumbered by regulatory costs.

The Honorable M. Jodi Rell  
Page 4  
July 21, 2006

From our research thus far, the Group well understands that while most trash haulers are honest and law-abiding, a troubling number have resorted to unacceptable practices. The victims of these practices are not only Connecticut's consumers, but also those haulers who respect and abide by the law but find themselves at a competitive disadvantage thereby.

Therefore, we respectfully propose that over the next several weeks the Group explore further both the regulatory schemes in neighboring states, as well as Connecticut's municipalities, before presenting recommendations for a state licensing/oversight plan. We propose to complete this work and present final recommendations by September 15, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read "Leonard C. Boyle". The signature is fluid and cursive, with the last name "Boyle" being more prominent.

Leonard C. Boyle  
COMMISSIONER

**TAB**

**A**

**WESTCHESTER**

## **The Westchester County Solid Waste Commission**

The "Commission" was established in August, 1999. We are dedicated to promoting general health, welfare and safety of the people of Westchester by ensuring that solid waste generated within the county is disposed of or recycled in an environmentally safe and sound manner. Our goal is to implement and evaluate the effectiveness of the county's solid waste management plan and to address the influence of organized crime in the solid waste and recycle industries operating in Westchester County.

We are responsible to implement and administer the newly established "Solid Waste and Recyclables Collection Law." The new law is intended to insure the good character, honesty, and integrity of licensees, and to encourage new entry into the industry as well as encourage competition within the industry.

discard or rejection including, but not limited to, garbage, refuse, commercial waste, rubbish, ashes, incinerator residue and construction and demolition debris. "Solid Waste" shall not be understood to include Recyclables as defined in this chapter.

23. "Solid Waste Association" means a person or entity having as a primary purpose the promotion, advancement or self-regulation of businesses that remove, collect or dispose of Solid Waste, including but not limited to a corporation, unincorporated association, partnership, trust or limited liability company, whether or not such entity is organized for profit, not-for-profit, business or non-business purposes.

24. "Solid Waste Broker" means a person or entity who, for a fee, brokers agreements between commercial establishments and providers of Solid Waste removal, collection or disposal services or conducts evaluations or analysis of the waste generated by such commercial establishments in order to recommend cost efficient means of waste disposal or other changes in related business practices, and for whom registration is required.

25. "Source separation" means the segregation of Recyclables from Solid Waste at the point of generation for separate collection, sale or other disposition.

26. "Subsidiary" means a corporation of which over fifty (50.0%) percent of the ownership interest or the number of shares of stock, entitling the holders thereof to vote for the election of directors and trustees, is owned by the Applicant.

27. "Transfer Stations" means those facilities located in Westchester County where Solid Waste, garden and yard waste, Recyclables and Construction and Demolition Debris will be received, processed and transported off-site to a destination for final disposal.

**Section 826-a.201. Westchester County Solid Waste Commission.**

1. There shall be a Westchester County Solid Waste Commission which shall implement and administer the Solid Waste and Recyclables Collection Licensing Law. This Commission shall consist of seven (7) members: the Deputy County Executive; the Commissioner of Finance; the Commissioner of Environmental Facilities; the Commissioner of Public Safety; the Director of Consumer Protection; an individual qualified by experience to serve as a representative of

the officials of the local Municipalities within Westchester County; and an individual, who shall be appointed as Chair of the Commission, with notable relevant professional experience.

2. Pursuant to § 110.21 of the Westchester County Charter, the County Executive shall appoint, subject to confirmation by the Board of Legislators, those two (2) Commission members, referenced above, who are not ex officio members of the Commission by virtue of their appointment to other Westchester County administrative positions. Those two (2) Commission members shall serve at the pleasure of the County Executive. The County Executive shall make such initial appointments within forty-five (45) days of the Effective Date of this Local Law. No member of the Commission shall be compensated for the services to be provided pursuant hereto, but may be reimbursed for any reasonable expenses that may be personally incurred in the conduct of the official duties of such members, to the extent that funds are appropriated for such purpose.

3. A majority of the Commission shall constitute a quorum for the transaction of business.

**Section 826-a.202. Powers and Duties of the Westchester County Solid Waste Commission.**

1. The general powers and duties of the Commission shall be to implement and enforce the provisions of this Chapter, which shall include but not be limited to, licensing, registration, regulation of businesses that conduct activities which require a license or registration pursuant to this Chapter.

2. The specific powers and duties of the Commission shall be:

a. To issue licenses and registrations for the performance of activities for which a license or registration is required under this Chapter, and to enforce the standards set forth in this Chapter, provided that, unless otherwise specified herein, the Commission may, by resolution, delegate to the Executive Director the authority to make individual determinations with regard to: (i.) the issuance, suspension, modification and revocation of such licenses and registrations; (ii.) background investigations and determinations of fitness with regard to the Principals and employees of Licensees and Registrants; and (iii.) the appointment of independent auditors and monitors in accordance with the provisions of this Chapter; (iv.) the appointment of employees to perform the duties prescribed in this Chapter; and (v.) such other duties as the Commission deems necessary and efficient to carry out the purposes of this Chapter. Any such delegation to the Executive Director shall be subject to the duty of the Executive Director to make full and complete reports to the Commission on the conduct of all such delegated duties.

The Commission may, in its sole discretion and after preliminary investigation, issue a Permit To Operate to those persons who submitted completed applications for licensure or registration to the Commission after September 30, 2000, but for whom no definitive licensing and/or registration decision has yet been made. The services which a person may be authorized to perform pursuant to such a Permit To Operate shall be limited to those services for which licensure or registration are sought pursuant to the application submitted by such person in accordance with this Chapter. Such a Permit To Operate shall have a nonrenewable one (1) year term, which shall be superceded by any final licensing or registration decision by the Commission. The Permit To Operate shall also terminate immediately upon the withdrawal of the person's application submitted pursuant to this Chapter. Any person issued such a Permit To Operate shall be required to pay to the Commission, in addition to all application and background fees, all annual fees and vehicle fees generally applicable to the class of services, as outlined in this Chapter, which the person will be authorized to provide in Westchester County pursuant to such Permit To Operate. In the event that such a Permit To Operate is terminated prior to its stated expiration date due to the issuance of a denial of the license or registration application; due to failure to comply with the terms of such Permit To Operate; or due to the withdrawal of the permittee's application for licensure or registration, the Permit To Operate shall remain in effect for ninety (90) days after such termination or, for good cause shown, for a term which shall not exceed one hundred eighty (180) days only for purposes of the permittee's performance of its municipal contracts, or until the expiration of the permittee's existing contracts with such municipalities, whichever occurs sooner. In the event that such a Permit To Operate is terminated prior to its stated expiration date due to the issuance of a denial of the license or registration application; due to failure to comply with the terms of such Permit To Operate; or due to withdrawal of the application for licensure or registration, a pro rata refund shall be calculated from the date the permittee discontinues its Westchester County operations in accordance with the provisions of this Chapter.

The Permit To Operate shall take substantially the following form:

**"Westchester County Solid Waste Commission  
100 East First Street, 8<sup>th</sup> Floor  
Mount Vernon, New York 10550  
(914) 813-6850**

**PERMIT TO OPERATE  
PURSUANT TO CHAPTER 826-A OF THE LAWS OF  
WESTCHESTER COUNTY**

Pursuant to the authority granted under Section 826-a.202(2)(a) of the Laws of Westchester County, the Westchester County Solid Waste Commission ("Commission") hereby grants permission to \_\_\_\_\_, hereinafter the "Permittee," to operate as a \_\_\_\_\_, as defined in Chapter 826-a of the Laws of Westchester County (Class/hauler, Solid Waste Broker)

("Chapter 826-a"), and to operate the named transfer stations: \_\_\_\_\_

\_\_\_\_\_ ,  
pending the complete and final review of the Permittee's application for licensure/registration pursuant to Chapter 826-a, and the issuance of a final determination by the Commission as to same. This Permit To Operate shall be for the term commencing on \_\_\_\_\_ and terminating upon the sooner of \_\_\_\_\_, or the date on which the Westchester County Solid Waste Commission issues a final determination as to the Permittee's application for licensure/registration. It is understood and agreed that any withdrawal of the Permittee's Chapter 826-a application for licensure or registration shall result in immediate termination of this Permit To Operate, effective on the date of such withdrawal.

The Permittee hereby agrees that it, its officers, and its employees shall abide by all provisions of Chapter 826-a of the Laws of Westchester County in connection with its operations under this Permit To Operate, and, in addition, agrees to be bound by the following terms and conditions:

1. PLEASE TAKE NOTICE: This Permit To Operate is NOT a license or registration to operate as a hauler or solid waste broker pursuant to Chapter 826-a of the Laws of Westchester County, but is issued by the Commission to allow the Permittee to operate in Westchester County while its application for licensure or registration thereunder is being reviewed and while background investigations are undertaken by the Commission pursuant thereto. Therefore, this Permit To Operate shall not operate as a grant of any of the rights or privileges as may be provided to Licensees or Registrants under Article VI of Chapter 826-a of the Laws of Westchester County, such rights being granted only after a final determination by the Commission that Permittee has met the standards of good character, honesty and integrity as specified in Chapter 826-a and has been issued a license or registration pursuant thereto.

2. Any failure of the Permittee to comply with the provisions of Chapter 826-a of the Laws of Westchester County during any term of this Permit To Operate, including, but not limited to, the failure to cooperate with the Commission regarding its review of Permittee's application, shall be grounds for immediate termination of this Permit To Operate, upon written notice to the Permittee by the Commission.

3. The Permittee hereby acknowledges and agrees that it shall assume any and all business and financial risks associated with its commencement of operations pursuant to this Permit To Operate. Permittee hereby acknowledges and agrees that, despite the issuance of this Permit To Operate, no determination has been made by the Commission in any respect as to the Permittee's good character, honesty and integrity pursuant to Chapter 826-a of the Laws of Westchester County or Permittee's fitness to operate in Westchester County pursuant to Chapter 826-a. Permittee acknowledges and agrees that its Permit To Operate in Westchester County as a \_\_\_\_\_, as defined in \_\_\_\_\_  
(Class/hauler, Solid Waste Broker)

Chapter 826-a may be immediately terminated upon the completion of the review of the Permittee's application for licensure and/or registration, and the issuance of such a determination by the Commission, or pursuant to the conditions set forth in Section 2, above.

4. The following additional conditions have been imposed upon the Permittee and its operations in Westchester County pursuant to this Permit To Operate:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

5. The Permittee hereby acknowledges and agrees that it is under no obligation to execute this Permit To Operate, and that its refusal to execute same shall have no impact on the Commission's review of Permittee's pending application under Chapter 826-a.

6. The Permittee hereby acknowledges and agrees that, as a condition of this Permit To Operate, it shall comply, at its own expense, with all applicable federal, state and local laws, rules, regulations and ordinances which may be applicable to the Permittee in connection with its performance of the activities for which it has been issued this Permit To Operate hereunder, and, in particular those antitrust or other laws relating to the restraint of trade.

7. The Permittee hereby acknowledges and agrees that, in the event that such a Permit To Operate is terminated prior to its stated expiration date due to the issuance of a denial of the license or registration application; due to failure to comply with the terms of such Permit To Operate; or due to the withdrawal of the Permittee's application for licensure or registration, the Permit To Operate shall remain in effect for ninety (90) days after such termination or, for good cause shown, for a term which shall not exceed one hundred eighty (180) days only for purposes of the Permittee's performance of its municipal contracts, or until the expiration of the Permittee's existing contracts with such municipalities, whichever occurs sooner.

Agreed to on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PERMITTEE:

\_\_\_\_\_  
Name & Title

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally came \_\_\_\_\_  
to me known, and known to me to be the \_\_\_\_\_ of \_\_\_\_\_,  
(Title) (Corporation)  
the Permittee described herein and who being by me duly sworn did depose and say that the said  
\_\_\_\_\_ resides at \_\_\_\_\_ and that s/he  
is \_\_\_\_\_ of said Permittee.

Authorized on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

WESTCHESTER COUNTY SOLID WASTE COMMISSION

\_\_\_\_\_  
Executive Director  
Westchester County Solid Waste Commission";

b. To establish and/or modify, as the Commission may in its discretion deem necessary, fees for all licenses and registrations, including all application fees, required under this Chapter. The Commission shall maintain a written record of all proceedings relating to the establishment or modification of fees. The Commission shall set such fees to fund the Commission, its staff, salaries, fringe benefits and all of the Commission's other costs and expenses. With regard to fees for background investigations, the costs assessed by independent contractors and government agencies associated with such

investigations shall be charged directly to the Applicant, Licensee or Registrant based on the average cost of such investigation for the standard investigation and based on the actual cost of investigation for all supplemental investigations. With regard to standard background investigations, the Applicant's fee shall be based upon the total number of principals in the entity;

c. To create a database for customers to be known as the Customer Availability Service Hotline ("CASH") which shall serve as a registry for those customers who are seeking to obtain solid waste and recyclables collection services. Each such customer shall be listed on the CASH Registry for a period of thirty (30) days after notifying the Commission of the customer's desire to be listed, and shall be required to re-register with the Commission, every thirty (30) days, in order to maintain its listing on the CASH Registry thereafter. The CASH registry shall be internet accessible;

d. To investigate any matter within the jurisdiction conferred by this Chapter and to have full power to compel the attendance of witnesses, the examination of witnesses, to take testimony under oath of such persons as it may deem necessary in relation to such investigation, to require the production of books, accounts, papers and other evidence relevant to such investigation, to issue subpoenas to compel the attendance of such witnesses, and to issue subpoenas to compel the production of books, records and documents;

e. To initiate actions based upon alleged violations of this Chapter;

f. As the Commission may deem necessary to carry out the purposes of this Chapter, and to establish standards for service and for the regulation and conduct of Licensees and Registrants pursuant to this Chapter;

g. To appoint within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein;

h. Subject to all necessary legal approvals, to enter into such agreement(s) on behalf of the County as may be necessary to carry out the purposes of this Chapter, including agreement(s) with the New York State Department of Criminal Justice Services ("CJS"), or any successor organization which may subsequently be charged with the duty of performing the services thereof pursuant to state law, for the processing of background checks and fingerprinting analysis. Pursuant to any agreement between the County and CJS, the Executive Director shall be required to transmit the fingerprint cards directly to CJS, along with the payment of fees as may be required by the CJS for the processing of such fingerprint cards. Pursuant thereto, the Executive Director, or his designee, is hereby designated as the Commission representative who will be responsible to review the reports issued by the CJS pursuant to its analysis of the fingerprint cards submitted by the Commission;

- i. To inform the public of its rights under this law;
- j. To provide the Department of Environmental Facilities of the County of Westchester with all information and records which may be necessary to assist the Department of Environmental Facilities in its compliance with Article 27 of the New York Environmental Conservation Law;
- k. To refer all evidence of or information concerning violations of any law, rule or regulation by any person licensed or registered under this Chapter, or by any person which has applied for a license or registration under this Chapter, that the Commission has or becomes aware of to the appropriate governmental agency charged with enforcing such law, rule or regulation;
- l. As the Commission may deem necessary to carry out the purposes of this Chapter, to conduct lawful inspections to ensure compliance with this Chapter. Such inspections may include, but need not be limited to, the inspection of the facilities of a Licensee or Registrant, and audit of records required to be kept pursuant to this Chapter. Such inspections may also include the accompanying of a Licensee on its collection routes, and the accompanying of a Licensee or Registrant to transfer stations, recycling facilities, and landfills, or when transferring waste to other vehicles. A Licensee shall, upon request by the Commission, provide the Commission with a list of its collection routes and schedules;
- m. To issue an annual report of the Commission's activities in the previous year to the County Executive and the Board of Legislators on or before February 15th of the following year, beginning on February 15th of the first full calendar year after the Effective Date;
- n. To issue emergency suspension orders immediately suspending, without a prior hearing, a license or registration, where the Commission has obtained clear and convincing evidence that a Licensee or Registrant is conducting its licensed or registered activities in such a manner that has a serious and immediate adverse impact on the life, health, safety environment or welfare of residents of, or property located in, Westchester County; and
- o. To take such steps, as the Commission deems appropriate, to determine the accuracy and truth of statements made in the application for a license and/or registration.

**Section 826-a.203. Executive Director.**

- 1. The County Executive shall appoint an Executive Director who shall have suitable professional experience. The County Executive shall appoint such

**"CUSTOMER BILL OF RIGHTS  
CONTRACT FOR SOLID WASTE SERVICES**

between \_\_\_\_\_  
"Service Provider"  
and \_\_\_\_\_  
"Customer"

Pursuant to Chapter 826.402(3)(c) of the Laws of Westchester County, the Customer shall be entitled to the following rights which cannot be waived:

1. This Service Contract shall not exceed (2) years in duration unless the Customer is a Municipality which, after establishing good cause for such waiver, has received a formal waiver of the contract term limit from the Commission.
2. A Service Contract which provides for automatic renewal shall be terminable by the Customer, without penalty, on thirty (30) days written notice to the Service Provider at any time during any renewal term of the Service Contract.
3. The Customer shall not be required to give the Service Provider more than (30) days notice of its intent to exercise its option to terminate or its option to renew an existing Service Contract prior to the expiration of such existing Service Contract.
4. All Service Contracts shall be terminable by the Customer, without penalty, during the final thirty (30) days of any regular Service Contract term or for the thirty (30) day period following any and all proposals made to a Customer by the Service Provider with whom the Customer currently contracts, where such proposal includes a proposal for a new Service Contract which will commence prior to the end of the regular term of the existing Service Contract.
5. Any notice of Service Contract termination from the Service Provider to the Customer shall be in writing, unless otherwise specifically requested by the Customer.
6. Any notice of Service Contract termination from the Customer to the Service Provider may be made by the Customer or the Customer's Agent either: (i.) in writing by facsimile or regular mail; or (ii.) orally by a telephone call to the Service Provider's office.
7. In the event that the Service Provider's license or registration to provide solid waste services is suspended or revoked by the Westchester County Solid Waste Commission, the Service Provider shall notify the Customer, in writing, within (5) business days of the suspension or revocation.
8. A Customer who is notified, by the Service Provider or otherwise, of the suspension or revocation of its Service Provider's license or registration may, immediately and without penalty, terminate this Service Contract.
9. In the event of Service Contract termination prior to the end of any regular contract term, the Service Provider shall not require the Customer to pay liquidated damages.
10. The Customer shall not be required to inform the Service Provider of competitive offers which it may receive for the removal, collection or disposal of refuse and recyclable materials.
11. The Customer shall not be required to give the Service Provider an opportunity to match the terms of any competitive offer which may be made to a Customer by any potential competitor.
12. The Customer shall not be required to contract exclusively with the Service Provider named herein for the removal of the Customer's refuse and recyclable materials. However, a municipal Customer may request such an exclusivity provision in its Service Contracts pursuant to its procurement policy.
13. The Service Provider herein shall not discontinue service to the Customer unless at least thirty (30) days advance written notice has been given to such Customer.
14. The Service Provider shall give the Customer no less than (i.) thirty (30) days advance written notice of proposed rate increases or (ii.) sixty (60) days notice of subcontracting or contract assignment. Upon receipt of such written notice, a Customer may terminate its Service Contract, without penalty, by giving fourteen (14) days notice to the Service Provider. Such notice may be given by the Customer at any time prior to the commencement of the rate increase or the implementation of the

assignment or subcontracting.

15. The Service Provider shall promptly provide the Customer with any and all informational notices which the Westchester County Solid Waste Commission may develop or prescribe.
16. In the event that the Service Provider herein shall fail to comply with any of the requirements provided in Paragraphs 1-15, above, in connection with this Contract for Solid Waste Services, or shall integrate provisions into this Service Contract which impairs the Customer's rights as outlined in Paragraphs 1-15, above, the Customer shall be entitled to, immediately and without penalty, terminate this Service Contract. In the event that the Customer believes that such a failure to comply has occurred, the Customer is urged to consult with the Westchester County Solid Waste Commission in order to clarify the Customer's rights and obligations pursuant thereto.
17. All Customers have the right and are encouraged to contact the Westchester County Solid Waste Commission to register a complaint against a Service Provider in the event that the Service Provider (a.) fails to provide the services as agreed under the Service Contract, (b.) fails to comply with the requirements outlined in this Customer Bill of Rights or (c.) engages in any of the following prohibited practices:
  - (i.) Makes a false or misleading statement to the Customer or a prospective Customer;
  - (ii.) Threatens or attempts to intimidate a Customer or a prospective Customer;
  - (iii.) Imposes or attempts to impose liquidated damages upon a Customer for termination of a Service Contract;
  - (iv.) Retaliates against a Customer or prospective Customer that has made a complaint to the Westchester County Solid Waste Commission or has exercised or attempted to exercise a right under Chapter 826-a of the Laws of Westchester County; or
  - (v.) Discourages a Customer or prospective Customer, who has a question or inquiry concerning the Customer's or the prospective Customer's rights or obligations concerning solid waste, from contacting the Westchester County Solid Waste Commission."

[Return to Solid Waste Commission Home Page](#)

**NEW YORK**

## Int. No. 665

By Council Members Leffler, Dear, Lopez, Perkins and Stabile (by request of the Mayor); also Council Members Foster, Povman, Fiala and Golden – read and referred to the Committee on Public Safety.

A Local Law to amend the New York city charter, in relation to the establishment of an organized crime control commission.

Be it enacted by the Council as follows:

Section 1. The New York city charter is amended by adding a new chapter 32 to read as follows:

### Chapter 32

#### Organized Crime Control Commission

**§771. Declaration of intent.** For many decades, organized crime has exerted a corrupting and destructive influence on certain sectors of the economy of the city of New York. For example, organized crime activities have pervaded the public wholesale food markets, the private garbage carting industry and the gambling industry. That influence can be diminished and ultimately eliminated through sustained law enforcement efforts and regulatory programs aimed at removing organized crime from these areas of the city's economic life. Therefore, in pursuit of the goal of eliminating organized crime, it is necessary and appropriate to centralize and coordinate certain city programs in a single authority.

**§772. Commission.** There shall be an organized crime control commission, which shall be comprised of a full-time chairperson appointed by the mayor and of the commissioners of the department of business services, the department of consumer affairs, the department of investigation, the police department and the department of sanitation, or their designees. The commission shall have a staff, serving under the direction of the chairperson, which may include investigators, auditors, attorneys, members of the New York city police department and such other personnel as may be appropriate to accomplish the commission's tasks.

**§773. Jurisdiction and authority.** a. Notwithstanding any inconsistent provision of the administrative code, the commission shall have all of the jurisdiction and authority conferred on (i) the department of business services and the department of investigation pursuant to chapters one-A and one-B of title twenty-two of the administrative code and local law number 50 for the year 1995, local law number 28 for the year 1997 and local law number 27 for the year 1998, relating to the Fulton fish

market, other seafood distribution areas and other public wholesale markets, (ii) the New York city trade waste commission pursuant to chapter one of title sixteen-A of the administrative code and local law number 42 for the year 1996, relating to commercial waste removal and (iii) the New York city gambling control commission pursuant to chapter one of title twenty-A of the administrative code and local law number 57 for the year 1997, relating to the regulation of shipboard gambling.

b. The commission shall have such other jurisdiction and authority as shall be conferred upon the commission by local law.

§774. **Powers.** The commission shall have the full range of investigative and regulatory powers available to the city of New York and within its jurisdiction and authority, including, without limitation, the power to issue subpoenas for documents and for testimony, the power to compel the attendance of persons to produce documents and to give testimony under oath, and the power to promulgate rules.

§775. **Cooperation with other agencies.** The commission shall provide such assistance to the mayor and other agencies as requested and shall establish liaison and information-sharing arrangements with other law enforcement, prosecutorial, investigative and regulatory agencies as it deems appropriate.

§2. This local law shall take effect on the sixtieth day after it shall have become a law.

## Int. No. 177

By Council Members Reed, Comrie, Diaz, Rivera and Weprin (by request of the Mayor)

A Local Law to amend the New York city charter, in relation to changing the name of the organized crime control commission to the business integrity and anti-corruption commission.

Be it enacted by the Council as follows:

Section 1. The chapter heading of chapter 63 of the New York city charter, as added by vote of the electors on November 6, 2001, is amended to read as follows:

[ORGANIZED CRIME CONTROL]

BUSINESS INTEGRITY AND ANTI-CORRUPTION COMMISSION

§ 2. The section heading and subdivision a of section 2100 of the New York city charter, as added by vote of the electors on November 6, 2001, are amended to read as follows:

[Organized crime control] Business integrity and anti-corruption commission.

a. There shall be [an organized crime control] a business integrity and anti-corruption commission, which shall consist of a full-time chairperson appointed by the mayor and of the commissioners of the department of business services, the department of consumer affairs, the department of investigation, the police department and the department of sanitation, or their designees.

§ 3. Subdivision a and the opening paragraph of subdivision b of section 2101 of the New York city charter, as added by vote of the electors on November 6, 2001, are amended to read as follows:

a. The [organized crime control] business integrity and anti-corruption commission shall be responsible for the regulation of the trade waste industry, the shipboard gambling industry, the fulton fish market distribution area and other seafood distribution areas and the public wholesale markets. In regulating such industries, areas and markets, the commission shall have the powers and duties conferred by this chapter and such other powers and duties as are conferred by law.

b. The powers and duties of the [organized crime control] business integrity and anti-corruption commission shall be exercised in a manner consistent with all local laws governing the regulation of the trade waste industry, the shipboard gambling industry, the fulton fish market distribution area and other seafood distribution areas and the public wholesale markets and shall include but not be limited to the following:

§ 4. Section 2102 of the New York city charter, as added by vote of the electors on

November 6, 2001, is amended to read as follows:

§ 2102. Cooperation with other agencies. The [organized crime control] business integrity and anti-corruption commission shall provide such assistance to the mayor and other agencies as requested and shall establish liaison and information-sharing arrangements with other law enforcement, prosecutorial, investigative and regulatory agencies as it deems appropriate.

§ 5. This local law shall take effect immediately.

# **NEW YORK CITY CHARTER**

**As Amended Through  
July 2004**



**City of New York**

of citywide administrative services after consultation with the commissioner.

2. The commissioner or any inspector or any officer of the department authorized in writing by the commissioner or the commissioner's delegate may, in accordance with law, for the purpose of performing their respective official duties, enter and inspect any building, structure, enclosure, premises or any part thereof, or anything therein or attached thereto, and any refusal to permit such entry or inspection shall be a misdemeanor triable in the criminal court and punishable upon conviction by not more than thirty days imprisonment, or by a fine of not more than one hundred dollars or both.

§ 1804. Acquisitions of real property. No purchase, lease, condemnation or other acquisition of real property by the department shall be authorized until (1) a public hearing has been held with respect to the acquisition after the publishing of notice in the City Record at least thirty days in advance of such hearing and (2) the department shall have received the approval of the mayor; provided, however, that in the case of an acquisition by purchase or condemnation, no such hearing shall be required if a public hearing is held with respect to such purchase or condemnation pursuant to any other requirement of law. In the case of a lease in which the city is to be the tenant, the notice for the hearing required in this subdivision shall include a statement of the location and proposed use of the premises, and the term and annual rent of the proposed lease.

#### **BUSINESS INTEGRITY COMMISSION**

§ 2100. Business integrity commission. a. There shall be a business integrity commission, which shall consist of a full-time chairperson appointed by the mayor and of the commissioners of the department of small business services, the department of consumer affairs, the

department of investigation, the police department and the department of sanitation, or their designees.

b. The chairperson may appoint a first deputy who shall possess all the powers and perform all the duties of the chairperson during the absence or disability of the chairperson and in case of the death of the chairperson or of a vacancy in that office shall act as chairperson until the appointment of a chairperson by the mayor.

c. The chairperson shall have charge of the organization of the commission and shall have authority to employ, assign and superintend the duties of such officers and employees as may be necessary to carry out the provisions of this chapter. In addition, the commissioner of any agency represented on the commission or the commissioner of any other appropriate city agency may, if requested, provide staff and other assistance with respect to any matter within the jurisdiction of the commission.

§ 2101. Jurisdiction; powers and duties. a. The business integrity commission shall be responsible for the regulation of the trade waste industry, the shipboard gambling industry, the fulton fish market distribution area and other seafood distribution areas and the public wholesale markets. In regulating such industries, areas and markets, the commission shall have the powers and duties conferred by this chapter and such other powers and duties as are conferred by law.

b. The powers and duties of the business integrity commission shall be

exercised in a manner consistent with all local laws governing the regulation of the trade waste industry, the shipboard gambling industry, the fulton fish market distribution area and other seafood distribution areas and the public wholesale markets and shall include but not be limited to the following:

1. to establish standards for the issuance, denial, suspension and revocation of licenses and other authorizations necessary for the operation of businesses in the industries, areas and markets it regulates; and to issue, deny, suspend and revoke such licenses and other authorizations;

2. to investigate any matter within its jurisdiction and to have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation;

3. to establish standards for service provided by, and for the conduct of, regulated businesses;

4. to conduct studies of, or investigations into, any matter within its jurisdiction in order to assist the city in formulating policies relating to the industries, areas and markets it regulates;

5. to create and disseminate materials on any matter within its jurisdiction in order to advise or educate regulated businesses and members of the public regarding such matters;

6. to adopt rules necessary or appropriate to carry out the powers and duties conferred on it by law;

7. to establish fees to enable it to effectuate the purposes of this chapter, including fees sufficient to cover the costs of processing applications and conducting investigations; and

8. to enforce compliance with applicable laws and rules through the imposition of fines and penalties.

§ 2102. Cooperation with other agencies. The business integrity commission shall provide such assistance to the mayor and other agencies as requested and shall establish liaison and information-sharing arrangements with other law enforcement, prosecutorial, investigative and regulatory agencies as it deems appropriate.

#### CHAPTER 64 DEPARTMENT OF CONSUMER AFFAIRS

§ 2201. Department; commissioner. There shall be a department of consumer affairs, the head of which shall be the commissioner of consumer affairs.

§ 2202. Deputies. The commissioner may appoint two deputies.

§ 2203. Powers of the commissioner. (a) The commissioner shall plan, make recommendations, conduct research and develop programs for consumer education and protection, facilitate the exchange and dissemination of information in consultation with agencies, federal and state officials, commercial interests, private groups and others working in this field and coordinate the consumer protection activities of other city agencies.

(b) The commissioner shall enforce all laws in relation to weights and measures.

(c) The commissioner shall have cognizance and control of the granting, issuing, transferring, renewing, revoking, suspending and

Deborah Brown,  
Counsel to the Committee

**THE COUNCIL**  
REPORT OF THE GOVERNMENTAL AFFAIRS DIVISION  
Marcel Van Ooyen, Deputy Chief of Staff

**COMMITTEE ON CONSUMER AFFAIRS**  
Council Member Philip Reed, Chair  
January 22, 2003

**The Business Integrity Commission:  
Oversight of Activities in 2002 and Objectives for 2003**

Today, the Committee on Consumer Affairs, chaired by Council Member Philip Reed, will hold an oversight hearing on the New York City Business Integrity Commission (the "Commission"). This will be the first oversight hearing of the Commission in its current form and will allow the Committee to gather information on the Commission's activities in 2002 and its objectives for 2003. The Commission's Chairman, Jose Maldonado, is expected to testify.

**BACKGROUND**

Sections 2100 through 2102 of the New York City Charter establish the existence and duties of the Commission. The Commission was created initially by voter approval of a proposed Charter change on November 6, 2001 and was then named the Organized Crime Control Commission.<sup>[1]</sup> Pursuant to Local Law 177-A, it was renamed as the Business Integrity Commission on July 29, 2002.<sup>[2]</sup> In its current form, the Commission is responsible for regulating the trade waste industry, the shipboard gambling industry, the Fulton Fish market distribution area and other seafood distribution areas, and the public wholesale markets.<sup>[3]</sup>

As mandated by the Charter, the Commission consists of a full-time Chairperson – currently Jose Maldonado – and the Commissioners of the Department of Business Services, the Department of Consumer Affairs, the Department of Investigation, the Police Department and the Department of Sanitation, or their designees.<sup>[4]</sup>

In regulating its designated industries and markets, the Commission has the specific power to:

- Issue licenses for the operation of businesses in the relevant industries, areas, and markets;
- Investigate any matter within its jurisdiction;
- Establish standards for regulated businesses;
- Conduct studies or investigations necessary for policy formation;
- Advise or educate regulated businesses and consumers on matters within its jurisdiction;
- Adopt rules necessary to carry out its powers and duties;
- Establish fees to enable it to carry out the relevant purposes outlined in the Charter; and
- Enforce compliance with applicable laws through fines and penalties.<sup>[5]</sup>

### Issues for Consideration

As noted previously, today's hearing will give the Committee an opportunity to examine the Commission's record and its agenda for the coming months. Of particular interest will be the Commission's update on the rate cap imposed on commercial carters, which is a critical issue in the trade waste industry. This Committee, jointly with the Committee on Sanitation and Solid Waste Management, held an oversight hearing on this matter on September 26, 2002. At that time, the Committee was informed that many private carting companies operating in New York City have been forced to cancel their accounts, due to what they perceived to be unrealistically low carting fees.<sup>[6]</sup> Chairman Maldonado expressed his concern over the issue, noting that "[b]y any measure the recurrent rate cap is inadequate to ensure that haulers can realize a profit removing heavy waste" and assuring Chairs Reed and McMahon that the Commission was "actively considering what steps to take vis-a-vis the rate cap."<sup>[7]</sup> Accordingly, the Committee will be seeking up-to-date information on this matter from Chairman Maldonado today.

[1] The Organized Crime Commission was charged with the consolidating the regulatory, licensing, and investigative programs of the prior Trade Waste Commission, Gambling Control Commission, and Departments of Investigation and Business Services. See Mayor Michael R. Bloomberg, Press Release 036-02, February 20, 2002.

[2] The name was changed at Mayor Bloomberg's request: "Changing the agency's name to the Business Integrity Commission removes the stigma of criminality from the businesses we regulate because the former agency name tarred all of the businesses regulated with the unsavory brush of organized crime." See Mayor Michael R. Bloomberg, Press Release 202-02, July 29, 2002.

[3] See NYC Charter § 2101(a).

[4] See NYC Charter § 2100 (a).

[5] See NYC Charter §2101(b).

[6] As of 1997, the rate cap is \$12.20 per cubic yard for uncompacted and \$30.19 for compacted waste. See Rules of the City of New York § 5-02, effective April 25, 1997.

[7] See The Transcripts of the Minutes of the Committee on Sanitation and Solid Waste Management Held Jointly with the Committee on Consumer Affairs, September 26, 2002, pages 14-16.

**NEW JERSEY**

**New Jersey State Police**

**Investigations Branch**

**Investigations Section**

## **Applicant Investigation and Compliance Bureau**

### **Solid Hazardous Waste Unit (SHWU)**

Conducts confidential background investigations on individuals, and business applicants seeking licensing in the solid and hazardous waste industry. The investigations consist of character and financial investigations on individuals and businesses who will engage in the collection, transportation, storage, or disposal of solid/hazardous waste materials. The Unit also performs compliance investigations of already licensed waste industry companies. These compliance investigations include, financial audits, on-site inspections, and review of operational practices. The Unit also collects, analyzes, and evaluates intelligence information regarding individuals and organized criminal activity, which may adversely affect the solid/hazardous waste industry. When warranted, the Unit will conduct criminal investigations into the illicit activities of individuals operating within the industry.

## **A-901 APPLICATION INFORMATION**

### **READ INSTRUCTIONS ON EACH FORM**

**When completed please return Original and one copy of all forms to:**

State of New Jersey  
Division of Law  
Environmental Enforcement/A-901 Unit  
R.J. Hughes Justice Complex  
25 Market Street  
P.O. Box 093  
Trenton, New Jersey 08625-0093

**To obtain forms or information on fingerprinting please call 609-292-6018 or online at [www.state.nj.us/dep/dshw](http://www.state.nj.us/dep/dshw).**

### **AN EXPLANATION ABOUT THE FORMS YOU WILL BE FILLING OUT**

1. It is important that the applicant and individuals fill out all forms completely and answer all questions thoroughly. Read through all forms first to become familiar with the questions before answering. **There are instructions at the end of each form.** Do not leave any spaces blank. If a question does not apply, you may enter "Not Applicable" or "N/A" in the space provided with an explanation of why this does not apply. If the appropriate answer is "none" or "no", please write in "none" or "no". The determination of a company's ability to demonstrate sufficient reliability, expertise, competency and integrity in order to comply with the Solid Waste Management Act will be determined, in part, by the information you supply in the disclosure forms. Failure to answer questions completely may result in the form or forms being returned for additional information and supplementation. Do not answer any questions until all records have been checked and reviewed. If additional space is required, copy the appropriate pages and insert those pages where applicable. Type or Print all answers in block form. (Handwritten forms that are illegible will be returned.)

2. A Business Concern Disclosure Statement is a statement containing information about any corporation, association, firm, partnership, trust or other form of commercial organization that contains information about the applicant who is filling out the form. **NOTE:** An out of state business must register with the New Jersey Division of Commercial Recording. You may call them at 609-292-9292 or visit the website [www.state.nj.us/njbgs](http://www.state.nj.us/njbgs).

\* All fictitious (Trading As) names must be registered.

3. A Personal History Disclosure Statement is a statement containing information about individuals who are owners, officers, directors, key employees\*, or partners of an applicant, permittee, licensee or lessor. The information requested in the Personal History Disclosure Form is used to conduct a background investigation of an individual.

\*The term "Key Employee" means an individual employed by the applicant in a supervisory capacity or empowered to make discretionary decisions with respect to the solid waste or hazardous waste operations of the applicant in New Jersey. It does not include employees exclusively engaged in the physical or mechanical collection, transportation, storage, transfer, or disposal of solid waste or hazardous waste.

4. Any person who is required to fill out a Personal History Disclosure Form must also be fingerprinted for identification purposes. It is the company's responsibility to arrange for the fingerprinting to be done.

#### **FINGERPRINT PROCEDURES**

##### **IF YOU LIVE OR WORK IN NEW JERSEY:**

New Jersey has changed from the traditional "ink and roll" method to the "Live Scan Method" for individuals who work or reside in New Jersey. After you have submitted your application, you will receive instructions from New Jersey State Police on the new fingerprinting procedures.

##### **IF YOU LIVE AND WORK IN ANOTHER STATE:**

Individual equity holders, directors, officers or key employees who work and reside outside the State of New Jersey must submit fingerprint cards with a Personal History Disclosure. If you did not receive a set of fingerprint cards, you must request fingerprint cards from the A-901 Unit by calling 609-292-6018 or request online at [www.state.nj.us/dep/dshw](http://www.state.nj.us/dep/dshw).

Submit one blue FBI fingerprint card and one black New Jersey State Police fingerprint card for each individual required to complete a Personal History Disclosure Form.

**\*Please complete all information on the fingerprint cards or they will be returned resulting in significant delay of your application.**

5. A Second Level Business Concern Disclosure Statement is to be filled out where an owner is an officer of another company or corporation. All parent companies of the applicant or holder of an NJDEP solid/hazardous waste license must file a Second Level Business Disclosure Statement. This applies to all immediate, intermediate and ultimate "parent" companies. A parent company

would include any business concern which holds any equity or debt liability directly or indirectly in the applicant. In other words, all business entities "upstream" of the applicant or license holder, i.e., parents, grandparents, great-grandparents, etc. must file a form. Each company must file a separate form. These are not included in packages that are sent to you unless requested. If you need a Second Level Business Disclosure Statement, please notify our office and one will be mailed to you for each company requiring one.

6. A Business Concern Disclosure Statement For Lessors, (hereafter "Lessor Statement") is a statement containing information about any corporation, association, firm, partnership, trust or other form of commercial organization that contains information about the applicant who is filling out the form. A Lessor Statement is required to be filed when any permittee or licensee leases ten (10) or more solid waste vehicles and operators from a single lessor which is not a permittee or licensee, or when such leased vehicles represent at least 20 percent of the permittee's or licensee's fleet of solid waste vehicles. In such case, the permittee or licensee must, within 30 days of entering into the lease, file, or cause the lessor to file, a Business Concern Disclosure Statement for the Lessor, and Personal History Disclosure Statements for directors, officers, key employees, partners and equity holders of the lessor. If the lessor is an applicant applying for an A-901 License, then in lieu of filing duplicate disclosure statements, lessees may instead provide a written notice within 10 days to the Division of Law, Environmental Section, A-901 Unit that the lessor is already an applicant whose disclosure statement is on file.

7. The filing of any Lessor Statement is the responsibility of the company applying for a DEP solid/hazardous waste license. The Personal History Disclosure Form must be distributed to all of the lessor's representative(s) and returned to our office along with the Lessor Statement. **PLEASE NOTE: ALL** owners, officers, directors, partners, stockholders and key employees listed on the primary-level Lessor Statement **MUST** complete this form and return it along with the Lessor Statement.

8. The information contained in your statement is confidential. Once this information is supplied by your company to the Attorney General's office, this information will not be released or disclosed to any person, except in accordance with the provisions of the Solid Waste Management Act or other applicable provisions of law. Personal information of a confidential nature, once collected by the Department of Law & Public Safety, will then become confidential information and protected from unauthorized public disclosure by the DEP pursuant to N.J.A.C. 7:26-16.14(I) which states in part:

. . . Any information required to be furnished to the Department of the Attorney General by an applicant, licensee or an individual required to be listed on a disclosure statement, which pertains to private financial matters of the applicant, licensee or individual which are not otherwise subject to public disclosure by any statute or regulation . . . shall not be released or disclosed to any person except in accordance with the provisions of this section.

PLEASE NOTE: Financial information disclosed in the statement will not be provided to the IRS or state tax agencies unless it is subpoenaed by those agencies.

**WARNING**

**FRAUDULENT, DECEPTIVE OR MISLEADING ANSWERS MAY RESULT IN THE DENIAL OR REVOCATION OF YOUR LICENSE. IN ADDITION, ANY PERSON WHO KNOWINGLY OR RECKLESSLY MAKES A FALSE OR MISLEADING STATEMENT ON ANY FORM MAY BE SUBJECT TO CRIMINAL PROSECUTION.**

### **A-901 APPLICATION PROCESS**

Once the Department receives the application and it is deemed to be administratively complete, you will receive an Initial Invoice. This Initial Invoice must be paid when due. You will not receive another invoice until you are an Approved A-901 Licensee. The application will then be forwarded to the New Jersey State Police for a background investigation. When this is completed, all findings are returned to Division of Law and will be reviewed by a Deputy Attorney General. After the review is completed, the application is then forwarded to the Department of Environmental Protection (DEP) for approval/denial. The DEP does not license individual employees of a company; it licenses the company, which is the applicant. The exception being a Sole Proprietorship or Partnership where the individual is the Licensee.

### **TO MAINTAIN AN APPROVED A-901 LICENSE**

A-901 Licensees are required to submit a yearly Update. Updates are normally sent out and due back to the Department by November 1st. If no Update is submitted, your A-901 License will be terminated and no invoice will be produced for the new year.

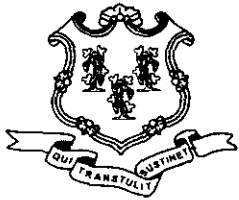
Invoices are sent out in January. If the invoice is not paid when due, the A-901 License will maintain a terminated status and no decals/registrations will be issued by DEP.

Please note that the Department requires notification within 30 days of any changes in an A-901 License. This includes changes in address, telephone numbers, owners, directors, officers and key employees.

Should you have any questions you may call our office between the hours of 9:00 a.m. to 5:00 p.m. Monday thru Friday at (609) 292-6018 or (609) 292-6019.

**TAB**

**B**



**STATE OF CONNECTICUT**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**



interoffice

**MEMORANDUM**

Waste Engineering and Enforcement Division

**To:** Amey W. Marrella, Deputy Commissioner  
**From:** Robert C. Isner, Director *RCI*  
**Subject:** DEP's Proposal for Regulating Solid Waste Haulers  
**Date:** July 7, 2006

**Overview:** Illegal activities in the solid waste hauling business can damage the environment, increase human health risk, and degrade property values and quality of life. DEP can better address these problems by expanding its existing transporter licensing program to include solid waste haulers.

**DEP's Recommendation for Regulating of Solid Waste Haulers**

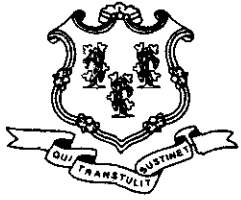
The Department's draft Solid Waste Management Plan (scheduled for public comment later this summer) recommends that DEP develop a streamlined method of regulating solid waste haulers.

- DEP currently licenses haulers of hazardous waste, biomedical waste, and waste industrial liquids.
- By using an existing transporter program, the costs associated with program development and administration will be minimized.

**Benefits of a DEP Licensure Program for Solid Waste Haulers**

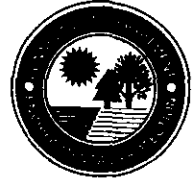
Solid Waste Hauler licensing will facilitate:

- Monitoring for and enforcement against illegal business practices that impact human health and the environment, including illegal dumping and operating unpermitted waste facilities.
- Enforcement of Connecticut's State Recycling Law requiring separation of state mandated recyclables.
- Collection of important data on solid waste generated in the state. Improving data regarding solid waste generation and handling is critical to formulate new solid waste management programs that will reduce solid waste disposal, increase recycling rates, and ensure capacity for safe and appropriate handling of all wastes.
- Collection of the existing solid waste tipping fees for all solid wastes including wastes hauled directly out-of-state. These fees can be used to fund much needed improvements in recycling and other solid waste programs.



# STATE OF CONNECTICUT

## DEPARTMENT OF ENVIRONMENTAL PROTECTION



### Selected DEP Authorities

Section 22a-5, a section outlining the commissioner's general authorities, states that, among other things, the commissioner shall "... (g) regulate the disposal of solid waste and liquid waste, including but not limited to, domestic and industrial refuse, junk motor vehicles, litter and debris, which methods shall be consistent with sound health, scenic environmental quality, and land use practices; and (h) regulate the storage, handling and transportation of solids, liquids, and gases which may cause or contribute to pollution...."

Section 22a-6m, provides the commissioner with the authority to "consider the record of the applicant for, or holder, of a license "regarding compliance with environmental protection laws of this state, all other states and the federal government." Under this statute, the commissioner may deny a license or revoke an existing license if the commissioner finds that the environmental record "evidences a pattern or practice of noncompliance which demonstrates the applicant's unwillingness or inability to achieve and maintain compliance..."

Section 22a-208c – Prohibits any person from, among other things, transporting solid waste "for disposal or processing at any solid waste facility, volume reduction plant, solid waste disposal area, recycling facility or recycling center, transfer station or biomedical waste facility, unless such facility, plant, area, center or station complies with the provisions of section 22a-208a."

Section 22a-209 allows the Commissioner to "promulgate regulations governing solid waste management, and permits, as provided for in section 22a-208a, shall be conditioned upon conformance with such regulations as well as applicable laws."

Section 22a-213 provides that "all contracts ... by any city, town, borough or regional authority with any person, another municipality or regional authority to provide for processing, storage or disposal outside of its boundaries of solid waste generated within its boundaries, shall be reviewed and have the approval of the Commissioner as conforming to recognized standards of public health and safety before they can be implemented ... "

Section 22a-250a, allows the state to seek the seizure and destruction of any "vehicle used ... as a means of committing a violation of any of the provisions of section 22a-208a, section 22a-208c "if such vehicle has been seized as a result of a lawful arrest or lawful search, pursuant to a criminal search and seizure warrant and a judge or court finds such vehicle to be a nuisance.

RCI:7/06



# STATE OF CONNECTICUT

## DEPARTMENT OF ENVIRONMENTAL PROTECTION



### Selected DEP Enforcement Cases Involving Waste Hauling

#### **Sanitary Services Corporation ("SSC"), et al. - Illegal Transfer and Disposal**

In the late 1990s, SSC had contracts to collect municipal solid waste (household garbage) curbside in many towns in the Manchester and Litchfield areas. SSC was the larger of two solid waste companies under the same principal ownership. During this time, SSC began to operate several unpermitted solid waste transfer stations, along with an affiliate company, Recycled Fibers. This activity culminated in 2000 with the disposal of approximately 6,000 cubic yards of putrescible garbage at one of the unpermitted locations in Manchester. The waste was left in a large, unsightly pile during the summer, creating highly unsanitary conditions due to vermin, flies, and other vectors, and prompting numerous complaints from residents of extremely offensive odors.

DEP enforcement actions in the 1990s led to the Attorney General's Office filing suit in 2000. The court issued a temporary injunction later in 2000, and in 2002 imposed a \$273,000 fine on Sanitary Services and a \$550,000 fine on Recycled Fibers. The waste pile was cleaned-up, but the two companies went out of business and did not pay the penalty. Other companies under the same principal ownership remain in business, one of which owns a closed, permitted, regional solid waste landfill in East Windsor, CT.

A subplot to the illegal transfer and disposal was contract fraud. Waste under contract for collection in Litchfield and disposal at the Hartford resource recovery facility, was being taken to Manchester. Once there, the waste was represented as having been collected in Manchester, which could be disposed at the Manchester landfill for a lower tipping fee.

#### **CT Building and Wrecking ("CBW"), et al. - Illegal Disposal ("Mount Trashmore")**

CBW was the principal of numerous companies under common ownership in the late 1980s. CBW's business was building demolition and removal (hauling) of the demolition debris from the site. Instead of removing the waste to legal disposal areas, CBW avoided disposal costs by creating illegal disposal areas (landfills) in the Fairfield County area. There were dozens of locations, many of them residential, but some as far away as New York and Massachusetts. The largest disposal area was a huge pile of approximately 30,000 cubic yards in Bridgeport known as "Mount Trashmore". The pile posed significant health and safety hazards to its neighbors, as it contained asbestos and repeatedly caught fire (one fire lasted almost 3 months). Since the pile was unstable, uncovered and burning, the asbestos could be disturbed and transported, creating a very high inhalation exposure risk. The leachate from such waste piles also contaminates surface and groundwater.

Mount Trashmore was cleaned-up around 1992, as were many of the smaller sites. The City of Bridgeport paid almost \$750,000 to have the waste removed from the Mount Trashmore site alone. CBW reportedly made \$1.6 million by avoiding the cost of proper disposal. A state civil complaint was filed in 1989 against CBW and two of its owners. The case resulted in a court decision that imposed light jail sentences on the two owners, and a fine of \$868,000 against CBW. The company has since gone out of business and the fine was not paid. A federal case was pursued for related asbestos violations against a third owner of an affiliated company, Bridgeport Wrecking. The third owner was sentenced to one year in jail (9 months suspended) and fined \$10,000. The company was fined \$40,000, but it went out of business and the fine was not paid. Also during this same time period, one of the owners of CBW plead no contest in Vermont for operating two illegal landfills there.

RCI 7/06

**STATE OF CONNECTICUT**

**Proposed Amendment  
to the  
State Solid Waste Management Plan  
July 2006**

**Executive Summary**

Gina McCarthy, Commissioner



State of Connecticut  
Department of Environmental Protection  
79 Elm Street  
Hartford, Connecticut 06106-5127  
[www.ct.gov/dep](http://www.ct.gov/dep)

A complete copy of the Plan can be accessed at:  
<http://www.dep.state.ct.us/wst/solidw/swplan/index.htm>

# EXECUTIVE SUMMARY

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## Introduction

The Connecticut Department of Environmental Protection (“CT DEP”) is amending the State Solid Waste Management Plan in accordance with Section 22a-228 of the Connecticut General Statutes (“CGS”). It replaces the State Solid Waste Management Plan that was adopted in 1991. CGS Section 22a-229 requires that “after adoption of a state-wide solid waste management plan pursuant to section 22a-228, any action taken by a person, municipality or regional authority that is governed by this chapter shall be consistent with such plan.” Since the adoption of the 1991 Plan, solid waste management has changed dramatically from mainly a state and local issue, to one that is now increasingly a regional, national, and global issue.

This new Plan will serve as the basis for Connecticut’s solid waste management planning and decision making for the period 2005 through 2024. The Plan addresses a wide range of solid wastes, focusing primarily on municipal solid waste (or MSW, what is commonly considered household and commercial trash) and debris resulting from construction, demolition (C&D waste). Though some other special wastes are addressed, hazardous wastes are not covered. The Plan examines the existing state of solid waste management in Connecticut, identifies the problems that exist and the barriers to solving those problems, sets out a vision and goals to be achieved in Connecticut and proposes strategies to achieve the vision. Within the immediate five year period, Connecticut will focus on implementing the higher priority strategies listed in the Plan.

In developing this Plan, the Department worked extensively with the public and the specially created CT DEP Solid Waste Management Plan External Stakeholders Committee. The Committee members represented government, the public, non-governmental organizations, and businesses that had interest in solid waste management issues in the State. Implementing the Plan will involve all the citizens of Connecticut to address the solid waste issues facing the State and will require not only changes in personal and business practices, but also legislative changes and increases in funding at the State, regional, and local levels to support new and expanded solid waste management programs.

## Vision Statement and Goals for Managing Connecticut’s Solid Waste

Connecticut’s long-range vision for solid waste management is to:

- Significantly transform our system into one based on resource management through collective responsibility for the production, use, and end-of-life management of products and materials in the State;
- Shift away from the “throwaway society,” toward a system that promotes a reduction in the generation and toxicity of trash, and where wastes are treated as valuable raw materials and energy resources, rather than as useless garbage or trash; and
- Manage wastes through a more holistic and comprehensive approach than today’s system, resulting in the conservation of natural resources and the creation of less waste and less pollution, while supplying valuable raw materials to boost manufacturing economies.

The goals of the State Solid Waste Management Plan are:

- Goal 1: Significantly reduce the amount of Connecticut generated solid waste requiring disposal through increased source reduction, reuse, recycling and composting.
- Goal 2: Manage the solid waste that requires disposal in an efficient, equitable and environmentally protective manner, consistent with the statutory solid waste hierarchy.
- Goal 3: Adopt stable, long-term funding mechanisms that provide sufficient revenue for state, regional and local programs while providing incentives for increased waste reduction and diversion.

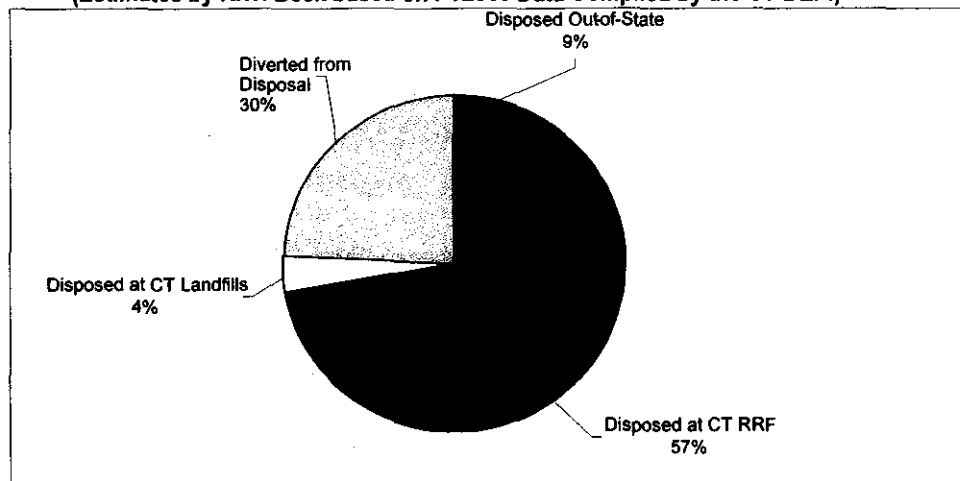
## **Current Status Of Solid Waste Management**

Connecticut has formally adopted an integrated waste management hierarchy as a guiding framework for solid waste management efforts. Connecticut’s system adheres to this hierarchy by emphasizing source reduction, recycling, composting, and energy recovery from solid waste, while relying on landfill disposal as a last resort.

### **MSW**

As shown in Figure 1, in FY2005 approximately 30 percent of the municipal solid waste (MSW) generated was recycled; 57 percent was burned at six regional Resource Recovery Facilities (RRFs); nine percent was disposed out of state; and four percent was disposed at in-state landfills. Connecticut is more reliant on waste to energy facilities than any other state in the country. This reliance on RRFs results in a significant reduction in the volume of waste ultimately needing disposal, plus significant amounts of ash residue requiring disposal in lined landfills.

**Figure 1. Management of Connecticut MSW, FY 2005.**  
 Estimated Total of MSW Generated for FY2005 is 3,805,000 tons.  
 (Estimates by R.W. Beck based on FY2003 Data Compiled by the CT DEP.)



Over the past decade, Connecticut has become more reliant on out-of-state disposal options for MSW. Since 1994, out-of-state disposal of Connecticut MSW has increased from approximately 27,000 tons to 327,000 tons in 2004. This raises issues regarding inconsistency with the statutory hierarchy, and increased risk due to cost fluctuations and availability.

Through recycling efforts in Connecticut, MSW recycling rates have increased from only a few percent before recycling became mandatory in 1991 to almost 30 percent of the waste generated in FY2005. Composting of yard wastes (leaves and brush) and grasscycling have been successful in Connecticut at both diverting waste from disposal and yielding useful end products. However composting of other materials has been less successful and consequently, composting in general remains significantly under-utilized in Connecticut. Although recycling and composting have been successful in Connecticut, recycling efforts have stagnated over the last several years, while at the same time the population and per capita waste generation rates have increased. As a result, Connecticut faces an increasing need for disposal capacity at a time when available land is in shorter supply, construction and operating costs are higher, and the public is less willing to accept additional waste disposal facilities.

## RRF Ash Residue

The six MSW RRFs in the State generate an average of approximately 551,000 tons per year of ash residue. Two landfills in the State are permitted to accept and dispose of ash residue. The Connecticut Resources Recovery Authority (CRRA) ash landfill in Hartford is estimated to reach capacity and close in October 2008. The Wheelabrator ash landfill in Putnam is estimated to reach capacity and close by mid FY2019 (based on a number of assumptions that are detailed in the Plan including the following: that the Wallingford RRF closes in 2009; that no new RRF capacity is built in Connecticut; that the other Connecticut RRFs continue to operate; and that the Bristol RRF starts

sending its ash residue to the Putnam ash landfill after June 2008, when it's current contract with a NYS landfill expires).

### **Construction and Demolition Waste (C&D)/Oversized MSW (Oversized MSW includes bulky items such as carpets, furniture, mattresses)**

Currently, most of the Connecticut C&D /Oversized MSW is disposed, with only about 7 percent of Connecticut C&D waste reported recycled. C&D waste recycling occurs at a much higher level in many other states as compared to Connecticut. Connecticut's low recycling rate, coupled with a severe lack of disposal capacity in Connecticut for C&D related waste, results in most of Connecticut's C&D waste being disposed at out-of-state landfills. In FY2004, in-state C&D volume reduction facilities ("VRFs") and transfer stations ("TSs") reported sending approximately 909,000 tons of Connecticut generated C&D waste to out-of-state landfills for disposal. All but one of the 24 remaining active bulky waste landfills are municipally owned and most serve only their communities, with many expected to close soon.

### **Special Waste—Electronics**

A special waste category of increasing concern is electronic waste. Our reliance on computers and other electronic devices, and the continuing advances in technology, have created a huge increase in the volume of these materials being disposed. Efforts have been undertaken to develop a consistent national approach to dealing with this issue, but no consensus has been reached. As a result, recycling of electronic waste in this State has been limited to those few manufacturers willing to take back old products, and those few municipalities and authorities willing to conduct costly collection programs.

In addition to electronic wastes, the Plan discusses other types of special waste. These include land clearing debris, household hazardous wastes, animal mortalities, road wastes, contaminated soils, dredge materials, sewage sludge, disaster debris, waste treated wood, and waste sharps and pharmaceuticals.

### **Projections for MSW, C&D and RRF Ash Residue**

In updating Connecticut's Solid Waste Management Plan, four broad scenarios were considered:

1. Maintain the current 30 percent diversion rate for MSW and 7 percent diversion rate for C&D waste/Oversized MSW.
2. Increase the current MSW diversion rate from 30 percent to 40 percent and maximize the C&D waste/Oversized MSW diversion from disposal. Since data regarding the generation of C&D waste/oversized MSW is incomplete, it is difficult to set a specific goal for reducing the amount of such waste requiring

disposal but efforts will be made to maximize the diversion of this waste from disposal.

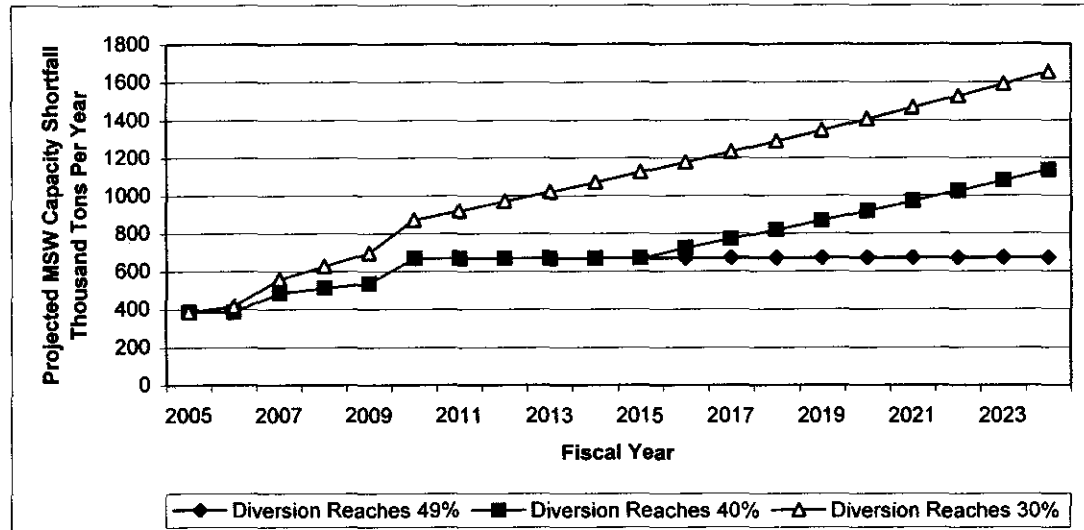
3. Increase the current MSW diversion rate from 30 percent to 49 percent in 2024 and maximize the C&D waste/Oversized MSW diversion from disposal.
4. Achieve a 61 percent MSW diversion rate by 2024 and eliminate the projected in-state disposal capacity shortfall by FY2024. The Department recognizes that this goal would be very difficult to achieve, within the twenty-year planning period of this Plan.

Scenarios one, two, and three would result in an MSW and C&D waste/Oversized MSW disposal capacity shortfall, without the development of any new in-state disposal capacity. That is, Connecticut would not have enough disposal capacity in state to manage the MSW or the C&D waste/Oversized MSW generated in the State.

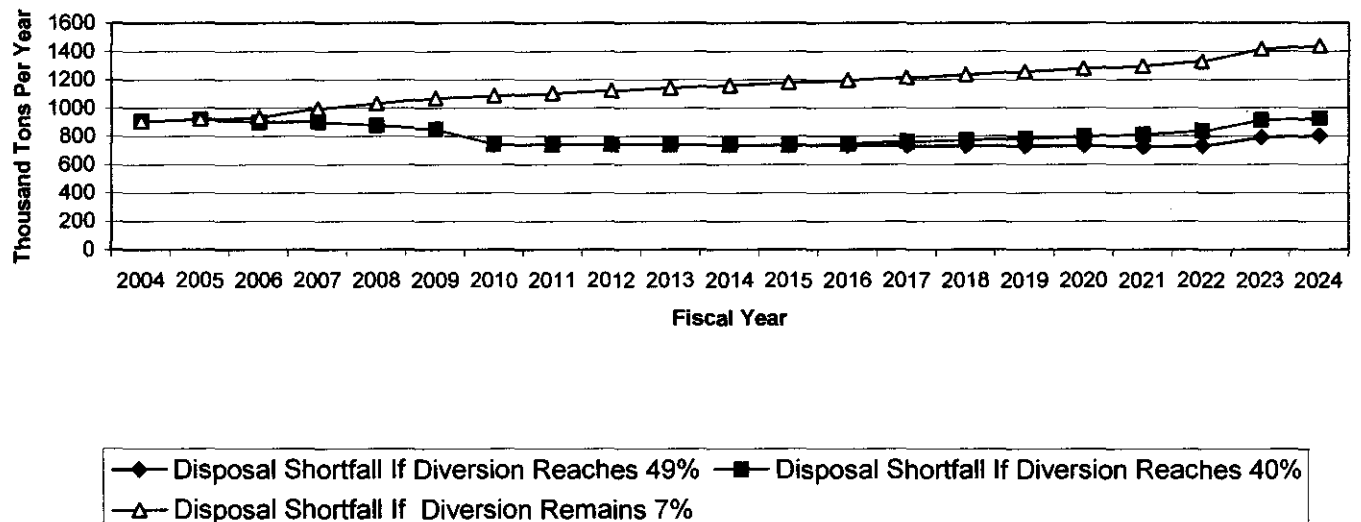
Unless Connecticut can successfully divert more waste from disposal, the in-state disposal capacity shortfall for both MSW and C&D waste/Oversized MSW will grow as depicted in figures 2 and 3. Figure 2 shows the projections of in-state MSW capacity shortfall under various waste diversion assumptions (diversion maintains 30 percent; diversion reaches 40 percent and 49 percent) for the period FY2005 through FY2024. Figure 3 shows the projections of in-state C&D waste/Oversized MSW disposal capacity shortfall under various waste diversion assumptions (diversion remains at 7 percent; diversion reaches 40 percent and 49 percent) for the period FY2005 through FY2024.

Based on a number of assumptions detailed in the Plan (including that the Wallingford RRF closes in 2009; that no new RRF capacity is built in Connecticut; that the other Connecticut RRFs continue to operate; and that the Bristol RRF starts sending its ash residue to the Putnam ash landfill after June 2008), it is projected that in-state disposal capacity for MSW RRF ash residue will be sufficient to meet the needs of all the State's RRF ash residue generated through mid-FY2019. Figure 4 shows the projections of in-state MSW RRF ash residue disposal capacity shortfall for the period FY2005 through FY2024.

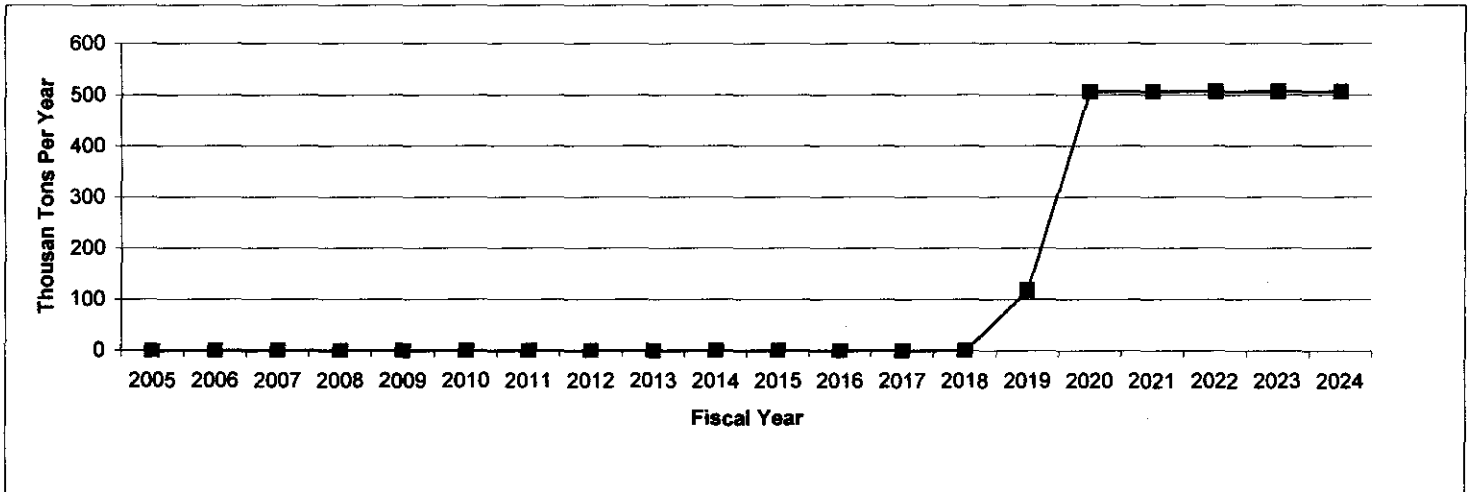
**Figure 2**  
**Projections of In-State MSW Disposal Capacity Shortfall Under Various Waste Diversion Assumptions for the Period FY2005 through FY2024.**



**Figure 3.**  
**Projections of In-State C&D Waste/Oversized MSW Disposal Capacity Shortfall Under Various Waste Diversion Assumptions for the Period FY2005 through FY2024.**



**Figure 4**  
**Projections of In-State MSW RRF Ash Residue Disposal**  
**Capacity Shortfall for the Period FY2005 through FY2024.**



## Key Factors Affecting Solid Waste Management in Connecticut

The context for solid waste management in Connecticut has changed substantially since the last statewide solid waste management plan was adopted in 1991. Among the key issues that will shape solid waste management in coming years are:

- Connecticut is projected to have an increasing shortfall of MSW in-state disposal capacity.
- There is increasing out-of-state capacity for solid waste disposal at competitive prices.
- Solid waste is a commodity subject to inter-state commerce laws.
- Bonds that financed the construction of the RRFs will be paid off, and municipal contracts to supply MSW to Connecticut's RRF facilities will expire over the next ten years.
- Recycling and solid waste management services are increasingly privately run and market-driven.
- Connecticut's waste diversion infrastructure is stagnant and State and municipal funding is inadequate to support and achieve increased source reduction, reuse, recycling, and composting.
- Nationally, recycling of non-traditional material streams has grown significantly.
- National and global recycling markets have grown substantially.

- Other states and communities have demonstrated an ability to achieve higher waste diversion rates than Connecticut.
- There is growing interest in product stewardship and producer responsibility policies.

## **Major Recommendations**

### **Source Reduction, Recycling, Composting**

The recommendations regarding source reduction, recycling and composting represent the centerpiece of this Plan. After rapid growth in the early to mid 1990s, Connecticut's recycling efforts have become stagnant and are in need of reinvigoration. The strategies presented in this plan, at a minimum, look to maintain the current amount of MSW disposed annually by reducing our per capita disposal rate from 0.76 tons/ person/year in FY2005 to 0.73 tons/person/year in FY2024 by achieving at least a 49 percent MSW disposal diversion rate by FY2024. Aggressive efforts must be undertaken if the goals of the Plan are to be reached. While much of the burden of accomplishing this will fall on the Department, a greater amount will necessarily be borne by municipalities and businesses (that generated C&D waste). Significant increases in funding will be needed to support these efforts.

The State must also take advantage of increasing demand for recycled waste materials, especially in overseas markets, to facilitate the development of a more robust recycling business infrastructure in Connecticut. This applies to almost all materials including paper, metals, electronics and compostable organics. Significant results can be achieved through increased efforts to compost institutional food wastes, as is being done in other states. Increased education on the systems and methods that are available will also be needed to meet the State's goals. In order to reduce the amount and toxicity of waste being generated in the first place, Connecticut must focus more effort on packaging. The State will continue to work with the Toxics in Packaging Clearinghouse to enforce existing laws and encourage producers to reduce the amount and toxicity of packaging being used.

### **Disposal Capacity**

There is not enough disposal capacity in Connecticut to handle all waste generated in the State. This is true for the major components of the solid waste stream: MSW and C&D waste. Past plans have been premised on the policy that the State should be "self-sufficient" in waste disposal capacity, meaning that there should be enough capacity in Connecticut to handle all waste generated in the state. The establishment over the last few years of significant volumes of out of state landfill capacity at competitive prices has changed the picture dramatically. This Plan recognizes that the State should strive to be self-sufficient and that such an approach represents good public policy. The Plan emphasizes that significant reduction must be achieved in the amount of waste disposed as the primary means of achieving self-sufficiency. It is the intent of this Plan to stimulate discussion and further debate on this issue.

## **Public or Private Ownership and Control**

Another key issue is whether or not the RRF capacity in Connecticut and the RRF ash residue landfill capacity in Connecticut, will be owned and controlled by public or private entities. Bonds that financed the construction of the RRFs will be paid off over the next few years and contracts for disposal at the RRFs will expire over that same time. Further, the Hartford landfill, where CRRA sends the ash generated at the Hartford RRF, will be closing in a few years, leaving one privately owned ash residue landfill in Connecticut. These events will open the door to a major shift in control of the majority of the disposal capacity in the State from public to private entities. Private owners will be free to enter into contracts with out of state generators for some of the existing capacity that today is used by Connecticut's municipalities. While this Plan does not advocate for or against private ownership, it does urge the State's decision-makers to take note of the issue, fully debate it, and make the prudent decisions necessary to ensure that the interests of Connecticut's citizens and businesses are protected.

## **Planning, Evaluation and Measurement**

This Plan replaces the last Plan adopted by the Department fifteen years ago in 1991. That is clearly too much time between plan revisions, and one of the recommendations of this Plan is that the Department regularly identify the critical solid waste issues facing the State and make appropriate revisions to this Plan. In order to ensure that these efforts are comprehensive and reflect diverse views, the Department will form a standing Solid Waste Advisory Committee, consisting of many of the interests that the Department worked with to develop this Plan. Finally, rather than expecting 169 towns to prepare their own plans as envisioned by existing law, the Department should ensure that its planning efforts thoroughly evaluate and reflect municipal accomplishments, needs and trends. Data is critical to perform these evaluations and this will require changes to existing municipal reporting requirements so they are less burdensome and more meaningful.

## **Permitting and Enforcement**

In the public process prior to drafting this Plan, many urged the Department to streamline its permitting processes, especially for those activities that support the goals of this Plan such as increased recycling and composting. The Department agrees with these suggestions, and this Plan makes several recommendations for improving the permitting process. Some of the most significant recommendations are as follows:

- Make review of applications for recycling, composting and other beneficial facilities a high priority for the permit program;
- Develop fact sheets, model permits and other helpful materials for prospective permit applicants;
- Form a review team whose primary responsibility will be to review applications for beneficial activities;

- Establish streamlined methods of regulating waste haulers in order to incorporate reporting and other substantive requirements, along with a simple means of assessing the solid waste fee; and
- Evaluate the option of reducing permitting requirements for the beneficial reuse of certain waste materials.

It is recognized that the Department must make enforcement a high priority, and the Plan includes recommendations for accomplishing this task. In addition, recognizing that most of the potential for improvement in recycling rates exists in the municipalities, recommendations are made to increase the level of enforcement at the local level, using existing authorities. The Department will work with municipalities to identify barriers to accomplishing this, and will partner with municipalities to take appropriate enforcement actions.

## **Funding**

This Plan charts an aggressive course for meeting the challenges of managing Connecticut's solid waste over the 20 year planning period. Action is recommended through the implementation of more than seventy strategies over the next several years to deal with these difficult issues. As with many other important programs, addressing these needs will require significant support in the form of funding at the local, state and regional level.

One of the most difficult, but clear, challenges that face decision makers and the citizens of Connecticut is to find the resources for these programs when other critical needs are competing for the same limited public dollars. Some funding sources have already been considered in the past such as capturing the unclaimed bottle and can deposits (escheats). As the public, legislators and other officials make decisions on which strategies will be implemented appropriate sources of funding must be identified. The following are the specific potential funding sources identified in this Plan:

- Capture some or all of the escheats;
- Expand the Solid Waste Assessment to all disposed solid waste, including all MSW, C&D debris, and oversized MSW, whether disposed in-state or out-of-state;
- Increase the Solid Waste Assessment beyond the present \$1.50 per ton;
- Direct enforcement penalties to a special account for distribution to municipalities and regional authorities aimed at recycling; and
- Bond funds for infrastructure to support demonstration projects and/or development of publicly controlled recycling facilities.

Without adequate funding many of the critical needs identified in this Plan will not be met. It is up to all citizens of Connecticut to fully debate these issues and make the decisions necessary to properly manage the solid waste that we generate.

## **Statutory Changes Needed**

Many of the changes needed to meet the goals of this Plan cannot be implemented without action by the legislature to change Connecticut's solid waste statutes, and possibly other areas of the law such as those affecting taxes and revenue. The following are some of the more significant recommendations identified in this Plan that will require statutory change:

1. Establishment of a recycling program for electronics;
2. Increased funding sources such as expansion of the Solid Waste Assessment, capturing the unclaimed bottle and can deposits (escheats), use of penalty money for solid waste programs, etc., along with authority to pass adequate funding along to municipalities and regional entities;
3. Prohibition on disposal of unprocessed construction and demolition waste;
4. Addition of plastics #1 and #2, and magazines, to the list of mandated recyclables;
5. Tax incentives to encourage business to create or expand activities that will move the State forward in meeting its waste diversion goals;
6. Permit program changes;
7. Expansion of the bottle bill to include plastic water bottles, and an increase in the deposit to ten cents;
8. Requirement of liners for all new C&D/Oversized MSW/Bulky waste landfills; and
9. Comprehensive alignment and updating of solid waste management laws.

## **Critical Issues for Decision Makers**

The issues raised in this Plan present significant challenges to Connecticut's citizens, businesses and government leaders. Many critical decisions must be made over the next several years in order to successfully meet those challenges. The most critical issues or decisions, and those who will need to help address them, are outlined below:

### **State Legislators**

- Adopt a more aggressive state goal for recycling and source reduction;
- Find ways to help fund the actions outlined in this plan, and support those needing additional resources including state agencies, regional authorities, and municipalities;
- Evaluate the role of CRRA given the changing conditions in the State with regards to the RRFs and the changing and complex nature of managing the solid waste stream;
- Expand authority allowing state agencies, regional authorities and municipalities to more effectively manage and regulate solid wastes;

- Help define what role government entities should play in directly managing the solid waste management infrastructure;
- Establish prohibitions on certain practices that contribute to increased risk to human health and the environment;
- Expand recycling mandates; and
- Establish incentives to encourage expansion and creation of new recycling and composting infrastructure.

### **Local Officials**

- Continue to play an active role in the proper and efficient management of solid waste in their communities;
- Expand recycling programs and efforts;
- Increase enforcement of local recycling ordinances;
- Enact ordinances to reflect new State programs; and
- Change purchasing practices to create less waste and purchase environmentally preferable products.

### **Department of Environmental Protection**

- Serve as a model for other governmental entities, businesses and citizens to enhance source reduction, composting, recycling and buying environmentally preferable products;
- Maximize resources to support and maintain education, assistance, recycling, permitting, and enforcement;
- Establish a standing Solid Waste Advisory Committee; and
- Establish permitting of beneficial activities as a high priority for the agency.

### **Other State Agencies**

- Provide support to research, develop, and market recycling processes and products;
- Adopt purchasing practices that create less waste and buy environmentally preferable products; and
- Increase recycling efforts in agency operations.

### **Businesses**

- Provide cost effective and efficient solid waste management opportunities;
- Increase efforts to recycle;
- Establish new businesses to expand recycling and composting infrastructure;

- Change purchasing practices to create less waste and buy environmentally preferable products; and
- Adopt a product stewardship ethic.

### **Citizens**

- Change practices to create less waste;
- Purchase environmentally preferable products;
- Increase recycling efforts; and
- Compost food waste and other organics.

### **Summary**

The efforts made over the next five to ten years will largely determine the success or failure of the State in meeting the challenges set out in this Plan. Connecticut's existing approach to solid waste management has served its citizens well. However, the solid waste field has continued to evolve to the point where new approaches and greater effort will be needed to meet the challenges. Future discussions and actions will determine the State's reliance on Resource Recovery Facilities, the potential need for new disposal facilities, the role of landfills, and how much Connecticut will pay for these programs. Most importantly, they will determine whether or not Connecticut's citizens and businesses will make a greater commitment to source reduction, recycling and composting. This Plan is only a starting point; the on-going, hard work of a diverse set of stakeholders will be needed for Connecticut to achieve its Solid Waste Management vision.

## **Selected DEP Enforcement Cases Involving Waste Hauling**

### **Sanitary Services Corporation ("SSC"), et al. - Illegal Transfer and Disposal**

In the late 1990s, SSC had contracts to collect municipal solid waste (household garbage) curbside in many towns in the Manchester and Litchfield areas. SSC was the larger of two solid waste companies under the same principal ownership. During this time, SSC began to operate several unpermitted solid waste transfer stations, along with an affiliate company, Recycled Fibers. This activity culminated in 2000 with the disposal of approximately 6,000 cubic yards of putrescible garbage at one of the unpermitted locations in Manchester. The waste was left in a large, unsightly pile during the summer, creating highly unsanitary conditions due to vermin, flies, and other vectors, and prompting numerous complaints from residents of extremely offensive odors.

DEP enforcement actions in the 1990s led to the Attorney General's Office filing suit in 2000. The court issued a temporary injunction later in 2000, and in 2002 imposed a \$273,000 fine on Sanitary Services and a \$550,000 fine on affiliate company Recycled Fibers. The waste pile was cleaned-up, but the two companies went out of business and did not pay the penalty. Other affiliated companies remain in business, one of which owns a closed, permitted, regional solid waste landfill in East Windsor, CT.

A subplot to the illegal transfer and disposal was contract fraud. Waste under contract for collection in Litchfield and disposal at the Hartford resource recovery facility, was being taken to Manchester. Once there, the waste was represented as having been collected in Manchester, which could be disposed at the Manchester landfill for a lower tipping fee.

### **CT Building and Wrecking ("CBW"), et al. - Illegal Disposal ("Mount Trashmore")**

CBW was the principal of numerous companies under common ownership in the late 1980s. CBW's business was building demolition and removal (hauling) of the demolition debris from the site. Instead of removing the waste to legal disposal areas, CBW avoided disposal costs by creating illegal disposal areas (landfills) in the Fairfield County area. There were dozens of locations, many of them residential, but some as far away as New York and Massachusetts. The largest disposal area was a huge pile of approximately 30,000 cubic yards in Bridgeport known as "Mount Trashmore". The pile posed significant health and safety hazards to its neighbors, as it contained asbestos and repeatedly caught fire (one fire lasted almost 3 months). Since the pile was unstable, uncovered and burning, the asbestos could be disturbed and transported, creating a very high inhalation exposure risk. The leachate from such waste piles also contaminates surface and groundwater.

Mount Trashmore was cleaned-up around 1992, as were many of the smaller sites. The City of Bridgeport paid almost \$750,000 to have the waste removed from the Mount Trashmore site alone. CBW reportedly made \$1.6 million by avoiding the cost of proper disposal. A state civil complaint was filed in 1989 against CBW and two of its owners. The case resulted in a court decision that imposed light jail sentences on the two owners, and a fine of \$868,000 against CBW. The company has since gone out of business and the fine was not paid. A federal case was pursued for related asbestos violations against a third owner of an affiliated company, Bridgeport Wrecking. The third owner was sentenced to one year in jail (9 months suspended) and fined \$10,000. The company was fined \$40,000, but it went out of business and the fine was not paid. Also during this same time period, one of the owners of CBW plead no contest in Vermont for operating two illegal landfills there.



# Permit Application for Waste Transportation

DEP USE ONLY

Please complete this form in accordance with the instructions (DEP-WEED-INST-400), CGS Section 22a-454 for hazardous waste transportation and RCRA Section 22a-209-15 for biomedical waste transportation, in order to ensure the proper handling of your application. Print or type unless otherwise noted.

## Part I: Application Type

This application is for (check one):

- ☐ A new permit  
☐ A renewal of an existing permit

Please provide:

1. EPA I.D. number:  
2. Existing permit number:  
3. U.S. DOT #

## Part II: Permit Type and Fee Information (check all that apply)

Please note: the application fee(s) listed below have increased effective August 21, 2003.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Hazardous Waste Transporter (RCRA and non-RCRA)   | <input type="checkbox"/> \$750.00 (one-year permit)     | <input type="checkbox"/> \$1,500.00 (two-year permit)  |
|  | <input type="checkbox"/> \$2,250.00 (three-year permit) | <input type="checkbox"/> \$3,000.00 (four-year permit) |
| <input type="checkbox"/> Spill Clean-Up Contractor (you must also apply for a one year Hazardous Waste Transporter Permit) | \$750.00 (one-year permit)                              |  |
| <input type="checkbox"/> Biomedical Waste Transporter  | \$1,500.00 (two-year permit)                            |  |

## Part III: Applicant Information

1. Fill in the name and phone number of the applicant as indicated on the *Permit Application Transmittal Form* (DEP-APP-001) and if applicable fill in the company name, the FEIN number and the location address.

Applicant:

Company Name:

FEIN number:

Phone:

ext.

Location address, if different than mailing address:

**Part III: Applicant Information (continued)**

2. List primary contact for departmental correspondence and inquiries, if different than the applicant.

Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone: ext.

Fax:

Contact Person:

Title:

3. List attorney or other representative, if applicable.

Firm Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone: ext.

Fax:

Attorney:

4. Legal Owner(s):

☐ Check if additional sheets are attached.

Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone: ext.

Fax:

Contact Person:

Title:

Owner Type (check one): ☐ Proprietorship ☐ Partnership ☐ Corporation

If a corporation, complete the following:

Date of Incorporation:

City:

State:

List the names, titles and addresses of all corporate officers:

Name:

Applicant

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone: ext.

Fax:

Title:

*Continue on next page with additional corporate officers.*

**Part III: Applicant Information (continued)**

Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone: ext.

Fax:

Title:

Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone: ext.

Fax:

Title:

☐ Enter a check mark if additional sheets are attached.

5. Does the applicant or owner(s) stated in item 4, including all partners and corporate officers, engage in other activities or own other companies that transport, treat, store, recover, or dispose of oil and chemical waste, hazardous waste, and/or biomedical waste? ☐ Yes ☐ No

If yes was checked, identify the owners of such companies or activities, the name of the company, the company address and the type of activities performed.

☐ Enter a check mark if additional sheets are attached.

Owner's Name:

Company Address:

City/Town:

State:

Zip Code:

Type of Activity:

Owner's Name:

Company Address:

City/Town:

State:

Zip Code:

Type of Activity:

Owner's Name:

Company Address:

City/Town:

State:

Zip Code:

Type of Activity:

## Part IV: Activity or Company Information

### Type of Business

1. Enter a check mark for all waste types that the applicant is in the business of transporting or proposes to transport:

☐ Non-RCRA Hazardous Waste    ☐ RCRA Hazardous Waste    ☐ Biomedical Waste

2. Will the applicant engage in the transfer of hazardous waste from one vehicle to another or one mode of transport to another in the State of Connecticut? ☐ Yes ☐ No

3. Is the applicant a generator of hazardous waste who transports 1,000 Kg or greater of their own hazardous waste in a calendar month to an off-site facility? ☐ Yes ☐ No

4. List the number of terminals that the applicant operates in Connecticut:

Identify the terminal managers of each of the terminals located in Connecticut.

☐ Check if additional sheets are attached.

Name:

Terminal Address:

City/Town:

State:

Zip Code:

Business Phone:        ext.

Fax:

Name:

Terminal Address:

City/Town:

State:

Zip Code:

Business Phone:        ext.

Fax:

### Driver Training

5. Please check each item to verify that the following driver training requirements have been met:

- ☐ a. All drivers engaged in the handling and/or transport of hazardous materials are trained in proper emergency response for the types of wastes transported in accordance with Sections 22a-449(c)-100 through 110 and RCRA Section 22a-449(c)-11.
- ☐ b. All drivers engaged in the transportation of wastes which are hazardous materials are in compliance with all applicable Hazardous Materials Regulations of Title 49 of the Code of Federal Regulations (CFR).
- ☐ c. Employers/Employees engaged in emergency response as defined in Occupational Safety and Health Administration Regulations 29 CFR 1910.120.(a).(3) are in compliance with all applicable requirements of Title 29 of the CFR.

### General Information

6. Do you desire to be on our Public List of Waste Transporters? ☐ Yes ☐ No

## Part V: Supporting Documents

Be sure to read the instructions (DEP-WEED-INST-400) to determine whether the attachments listed are applicable to your specific activity. Please enter a check mark by the attachments as verification that *all applicable* attachments have been submitted with this permit application form. When submitting any supporting documents, please label the documents as indicated in this part (e.g., Attachment A, etc.) and be sure to include the applicant's name as indicated on the *Permit Application Transmittal Form*.

- ☐ Attachment A: *List of Transporter Permits Held in Other States (DEP-WEED-APP-401)*
- ☐ Attachment B: *Vehicle List (DEP-WEED-APP-402)*
- ☐ Attachment C: *Vehicle Inspection Information*
- ☐ Attachment D: *Certificate of Insurance and MCS-90 Forms*
- ☐ Attachment E1: *List of Wastes: Non-RCRA Hazardous Waste (DEP-WEED-APP-403)*
- ☐ Attachment E2: *List of Wastes: RCRA Hazardous Waste (DEP-WEED-APP-404)*
- ☐ Attachment E3: *List of Wastes: Biomedical Waste (DEP-WEED-APP-405)*
- ☐ Attachment F: *Spill control and safety equipment*
- ☐ Attachment G: *Spill Control Plan*
- ☐ Attachment H: *Driver Information*
- ☐ Attachment I: *Vehicle Decontamination Procedures*
- ☐ Attachment J: *Spill Clean-up Contractor Application (DEP-WEED-APP-406)*
- ☐ Attachment K: *Applicant Compliance Information Form (DEP-APP-002)*
- ☐ Attachment L: *Operational Plan (for biomedical waste transporter permits only)*
- ☐ Attachment M: *Management Plan (for biomedical waste transporter permits only)*

## Part VI: Application Certification

The applicant(s) and the individual(s) responsible for actually preparing the application must sign this part. An application will be considered insufficient unless *all* required signatures are provided.

I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.

I understand that a false statement in the submitted information may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

I certify that this permit application is on complete and accurate forms as prescribed by the commissioner without alteration of the text.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Applicant (print or type)

\_\_\_\_\_  
Title (if applicable)

\_\_\_\_\_  
Signature of Preparer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Preparer (print or type)

\_\_\_\_\_  
Title (if applicable)

☐ Please enter a check mark if additional signatures are necessary. If so, please reproduce this sheet and attach signed copies to this sheet.



## Attachment B: Vehicle List

Applicant Name:

(as indicated on the *Permit Application Transmittal Form*)

Complete the table by listing all vehicles (tractors and trailers) intended to be used for the transportation of waste in or *through* the State of Connecticut.

Year	Make	Type	Color (s)	State of Reg. & License Plate Number	Capacity	Address	Owner	Vehicle ID Number	* Dedicated Vehicle (yes or no)

\* Applies to waste carrying portion of the vehicle only. If you indicate no in this column, attach a separate sheet identifying the materials transported in that particular vehicle, and identify the vehicle by listing the state the vehicle is registered in and the vehicle license plate number.

## Attachment E1: List of Wastes

### Non-RCRA Hazardous Waste:

Applicant Name:

(as indicated on the *Permit Application Transmittal Form*)

Complete the table by listing the type(s) of waste intended to be transported and the waste disposal information:

Waste Number	Waste Name	Source/Process Generating Waste	Physical and Chemical Characteristics of Waste	Waste Management Facility Name and Address	Facility Management Method
		Tr (tr			
		Sc			
		—			
		—			
		—			

## Attachment E2: List of Wastes

### RCRA Hazardous Waste [CGS Section 22a-449(c)]:

Applicant Name:

(as indicated on the *Permit Application Transmittal Form*)

Complete the table by listing the type(s) of waste intended to be transported and waste disposal information:

EPA Waste Number	Waste Name	Source/Process Generating Waste	Physical and Chemical Characteristics of Waste	Waste Management Facility Name and Address	Facility Management Method(s)

## Attachment E3: List of Wastes

### Biomedical Waste [CGS Section 22a-208(a)]:

Applicant Name:

(as indicated on the *Permit Application Transmittal Form*)

Complete the table by listing the type(s) of waste intended to be transported and waste disposal information:

Type of Waste (e.g., chemotherapy waste, pathological waste, other, etc.)	Facility Type (e.g., biomedical waste transfer facility, transfer station, etc.) and Facility Name and Address

## Attachment J: Supplemental Application for Spill Clean-Up Contractors

1. Applicant Name:  
(as indicated on the *Permit Application Transmittal Form*)

2. Company Name:

Mailing Address:

City/Town:

State:

Zip Code:

Business Phone:

Answering Service Phone:

24-hour Phone Numbers:

List of Supervisors:

List of Full-time Employees:

3. Estimate the number of days in the past year that your company was operating out of state:

4. Equipment

Complete the following by listing all the equipment information requested for each piece of equipment. All equipment must be currently owned by the applicant.

a. Containment Equipment

1) Floating Barriers

*Make/Model:*

Flotation Collar Diameter:

Length of Section:

Total Length:

Skirt Length:

*Make/Model:*

Flotation Collar Diameter:

Length of Section:

Total Length:

Skirt Length:

*Make/Model:*

Flotation Collar Diameter:

Length of Section:

Total Length:

Skirt Length:

*Make/Model:*

Flotation Collar Diameter:

Length of Section:

Total Length:

Skirt Length:

## Attachment J: Supplemental Application for Spill Clean-Up Contractors (cont.)

### 4. a. Containment Equipment (cont.)

#### 2) Boats

Make/Model

Length

#### 3) Motors

Make/Model

Horsepower

### b. Removal Equipment

#### Skimmers:

Kind:

Size:

H.P.:

No.:

#### Pumps:

Kind:

Size:

H.P.:

No.:

#### Hose:

Size:

Length:

No.:

#### Adapters:

Size:

No.:

#### Reducers:

Size:

Description:

No.:

#### Fittings:

Kind:

No.:

#### Separation vessels:

Description:

Vacuum Trucks:

Make/Model

Type:

Tank Cap:

No.:

### c. Separation Equipment

Tank Trucks:

Size:

No.:

Barge:

Size:

No.:

Storage Tanks:

Size:

No.:

Location:

## Attachment J: Supplemental Application for Spill Clean-Up Contractors (cont.)

### 4. d. Clean-up Equipment

Bulldozer (No.):

Grader (No.):

Front-end Loader (No.):

Dump Trucks (No.):

Capacity:

Steam Jenny (No.):

Vacuum Truck (No.):

### 5. List all Equipment Storage Areas

Type:

24-Hour Phone #:

Address:

Type:

24-Hour Phone #:

Address:

Type:

24-Hour Phone #:

Address:

Type:

24-Hour Phone #:

Address:

### 6. List Equipment Maintenance Area

Type:

24-hour Phone Numbers:

Describe type of treatment facilities available for wastes generated from:

Vehicle washing (interior and exterior):

Boom cleaning:

Vacuum Trucks:

Miscellaneous equipment cleaning:

## Attachment J: Supplemental Application for Spill Clean-Up Contractors (cont.)

### 7. List Name and Address of Disposal Sites:

Private Site:

Public Site:

Other Arrangements (description):

### 8. Contract Information

- ☐ Check here to indicate that you have attached a detailed, itemization of hourly rates for manpower and equipment, and included a standard contract form with this attachment.

### 9. Employee Training

Enter a check mark for verification that the following requirements have been met.

- ☐ Employers/Employees involved in the post-emergency response clean-up of hazardous substances are in compliance with and familiar with all applicable requirements of Title 29 of the Code of Federal Regulations (CFR). The requirements under Title 29 CFR include: Part 1910.120-(L), (1), Emergency response; (L), (3), Off-site emergency response-training; (L), (5), Post-emergency response operations.

## Applicant Certification of OSHA Training

I certify that all employers/employees have been trained to OSHA 1910.120 technician level prior to responding to emergency sites.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Applicant (print or type)

\_\_\_\_\_  
Title (if applicable)

## CT DEP Waste Transportation Fact Sheet

### CT DEP: Waste Transportation Fact Sheet

#### Waste Transportation

**Program Overview** This permit program, administered by the Bureau of Waste Management, regulates activities related to the transportation of waste oil, petroleum and chemical liquids, hazardous waste, and biomedical waste. Additionally, any person acting as a contractor to contain or remove or otherwise mitigate the effects of discharge, spillage, uncontrolled loss, seepage or filtration of such substance, material, or waste must also apply for a spill contractor permit. In reviewing a permit application, the Engineering and Enforcement Division considers: the qualifications of the applicant; the nature and quantity of waste to be transported; the types and conditions of vehicles used; and the compliance history of the applicant.

**Authorizing Statutes** Sections 22a-454 and 22a-208a of the Connecticut General Statutes (CGS)

**Regulations** Sections 22a-208a-1, 22a-209-15, and 22a-449(c)-11 of the Regulations of Connecticut State Agencies (RCSA)

**Who Must Apply** Any person transporting hazardous waste regulated under the federal Resource Conservation and Recovery Act; any person in the business of transporting waste oil or petroleum or chemical liquids or hazardous waste in or through the State of Connecticut; any person transporting biomedical waste or in the business of transporting biomedical waste; or any person acting as a spill contractor in the State of Connecticut.

**Exclusions From Permit** A transporter permit is not required for a generator of hazardous waste who transports (via equipment owned by the generator) a total of less than 1,000 kg of hazardous waste in a calendar month to an off-site waste facility within the State of Connecticut, providing the facility either has a permit from DEP or is operating under interim status pursuant to the Hazardous Waste Management Regulations. See RCSA Section 22a-449(c)-11(b).

A transporter permit is not required for a generator of biomedical waste who transports his own biomedical waste from its original generation point to a central collection point pursuant to RCSA Section 22a-209-15(g)(14)(A-C).

**Required Application Documents** Permit Application for Waste Transportation (DEP-WEED-APP-400), including supporting documentation such as vehicle certification information, certificate of insurance, spill control plan and drivers information; Permit Application Transmittal Form (DEP-APP-001); Applicant Compliance Information (DEP-APP-002).

**Fees** Please note: effective August 21, 2003 the application fee for a transporter permit required under CGS Section 22a-454 has increased to \$750.00 per year, or \$3000.00 for a four-year permit.

Also effective August 21, 2003, for permits to transport biomedical waste issued under CGS Section 22a-208a, the application fee is \$1,500.00.

**Review and Processing** Upon receipt of the application package and application fee, a preliminary review of the application is conducted for sufficiency and general consistency with applicable standards and criteria. A detailed technical review is then conducted to ensure the applicant has adequate spill control and emergency equipment, and an appropriate spill response plan.

**Average Processing Time** Preliminary Sufficiency Determination

Secondary Sufficiency Determination

Issuance or Denial 60 days

14 days

21 days

**Permit Duration** CGS Section 22a-454 provides that transporter permits may be issued for up to five years.

Biomedical waste transporters must renew permits every two years pursuant to RCSA Section 22a-209-15(g)(9)(A).

**Contact Information** DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF WASTE MANAGEMENT

WASTE ENGINEERING AND ENFORCEMENT DIVISION

79 ELM STREET

CT DEP Waste Transportation Fact Sheet  
HARTFORD, CT 06106-5127  
860-424-3372

This overview is designed to answer general questions and provide basic information. You should refer to the appropriate statutes and regulations for the specific regulatory language of the different permit programs. This document should not be relied upon to determine whether or not an environmental permit is required. It is your responsibility to obtain and comply with all required permits.

Fact Sheet DEP-WEED-FS-400 Last updated: August 21, 2003

Users Guide to Environmental Permits | Permit Application Forms and Instructions  
Connecticut General Statutes

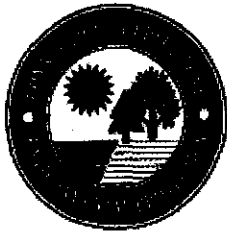
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[dep.webmaster@po.state.ct.us](mailto:dep.webmaster@po.state.ct.us)

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applicant has adequate spill control and emergency equipment



## Instructions for Completing the Permit Application for Waste Transportation

*Use these instructions to: 1) complete the permit application form DEP-WEED-APP-400 and 2) prepare supporting documents. These instructions are not a substitute for the requirements of the relevant statutes and any regulations thereunder. You should review all applicable laws prior to completing this application. Remember, it is your responsibility to comply with all applicable laws.*

### Introduction

This permit program, administered by the Bureau of Waste Management of the Department of Environmental Protection (DEP), regulates the transportation of waste oil, petroleum, chemical liquids, hazardous waste, or biomedical waste.

### Who Needs a Permit?

#### *Hazardous Waste Transporter*

Any person who is either

- transporting hazardous waste regulated under the Resource Conservation and Recovery Act (RCRA),
- in the business of transporting, in or through the State of Connecticut, waste oil, petroleum, chemical liquids or hazardous waste as defined in Section 22a-448 of the Connecticut General Statutes (CGS), or
- acting as a spill contractor in the State of Connecticut

must apply for a hazardous waste transporter permit pursuant to CGS Section 22a-454 with the following exceptions.

1. A hazardous waste transporter permit is not required for generators of RCRA hazardous waste if *all* of the following apply:
  - a. generators of such waste transport their own waste via their own equipment; and

- b. the waste to be transported amounts to a total of less than 1000 kilograms (kg) of RCRA hazardous waste in a calendar month; and
- c. the waste is transported to an off-site facility within the State of Connecticut; and
- d. the generator has either a RCRA hazardous waste permit from DEP or the generator is operating under interim status pursuant to Sections 22a-449(c)-100 through 110 and 22a-449(c)-11 of the Regulations of Connecticut State Agencies (RCSA).

2. A hazardous waste transporter permit is not required for generators of non-RCRA hazardous waste who transport their own non-RCRA hazardous waste to an off-site facility via their own equipment.

Contact the Bureau of Waste Management at 860-424-3372 for questions regarding hazardous waste transporter permits.

#### *Spill Clean-up Contractor*

Any person seeking to act as a contractor to contain or remove or otherwise mitigate the effects of discharge, spillage, uncontrolled loss, seepage or filtration of waste oil, petroleum, chemical liquids, hazardous waste, or biomedical waste must obtain a spill contractor permit prior to engaging in such activity.

### ***Biomedical Waste Transporter***

Any person interested in doing business as a transporter of biomedical waste must apply for a biomedical waste transporter permit, pursuant to RCSA Section 22a-209-15(g) and Section 259.72 of the Code of Federal Regulations (CFR) with the following exception:

A biomedical waste transporter permit is not required for generators of biomedical waste who transport their own biomedical waste from its original generation point to a central collection point. Please refer to RCSA Section 22a-209-15(g)(14) for exemption requirements.

Contact the Bureau of Waste Management at 860-424-3366 for questions regarding biomedical waste transporter permits.

### **Permit Renewals**

A permitted *hazardous waste transporter* must apply for renewal of its existing permit by submitting a sufficient permit application no later than *March 1* of the year their permit expires. A permitted *biomedical waste transporter* must apply for renewal of its existing permit by submitting a sufficient permit application at least *ninety days prior to the expiration date* of the existing permit.

If your application is or may be untimely, please refer to CGS Section 22a-6j. If a renewal application is not submitted prior to the expiration date of the existing permit, then the existing permit is deemed to have expired.

### **Permit Modifications**

If you are applying for a *permit modification*, you must have a valid transporter permit. To determine whether a permit modification is necessary, please provide the Waste Engineering and Enforcement Division (WEED), in writing, specific details regarding the type of modification proposed. Such information should be sent to:

ENGINEERING AND ENFORCEMENT DIVISION  
BUREAU OF WASTE MANAGEMENT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127

After receipt and review of the proposed modification, WEED will notify you if a completed permit application is required to be submitted.

### **Permit Transfers**

Any person proposing to transfer a DEP permit must submit a completed *Permit Transfer Form* (DEP-APP-006) and transfer fee to DEP. The Permit Transfer Form may be used for changes in owners and operators of the licensed activity; if other changes are proposed to the facility, the site, or facility operations, the proposed transferee must also request a permit modification. In some cases, permit modifications may require submittal of parts of or up to an entire individual permit application. For further information concerning permit transfers or to obtain a Permit Transfer Form, please contact the Permit Assistance Office at 860-424-3003. For further information concerning modifications, please contact the Bureau of Waste Management at 860-424-3372.

### **How to Apply**

Your permit application must include the following:

- A *Permit Application Transmittal Form* (DEP-APP-001),
- A *Permit Application for Waste Transportation* (DEP-WEED-APP-400) and all supporting documents,
- The applicable initial fee, paid by check or money order, made payable to the "Department of Environmental Protection".

Note: The initial fee is the total permit application fee due.

You must submit the above materials together as a package to:

CENTRAL PERMIT PROCESSING UNIT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
79 ELM STREET  
HARTFORD, CT 06106-5127

When submitting your permit application, label your supporting documents as directed on your application form and always include, on each document, the applicant's name as indicated on the *Permit Application Transmittal Form*. When additional space is necessary to answer a question stated in the application, please insert additional sheets by the appropriate question. Label each sheet with the applicant's name as indicated on the *Permit Application Transmittal Form*, along with the corresponding part number and question number indicated on the permit application form. You should retain a copy of all documents for your files.

### **Permit Application Instructions** (DEP-WEED-INST-400)

Please read the application form and instructions carefully. They have been designed to obtain specific information and any information that is missing or unclear will cause delays in the review process. If any questions are not applicable to your specific activity, please enter "N/A" in the space provided. If a question or supporting document is only required for specific activities it will be noted on the application form and in the instructions.

Please be advised that these instructions are not a substitute for any state or federal statutes or regulations. Be sure to refer to the applicable statutes and regulations while completing your application.

Check the "Available Resources" section at the end of these instructions for assistance in obtaining guidelines, maps, etc. which are referenced in these instructions.

### **Part I: Application Type**

Please indicate whether you are applying for a *new* permit or a *renewal* of an existing permit by checking the appropriate box. A permit is deemed to be "existing" *only* if it has not yet expired on the date you file your application. If applicable, please provide the existing permit number, EPA I.D. number, and the U.S. DOT number.

All persons transporting RCRA hazardous waste must receive an EPA Identification Number pursuant to RCRA Section 22a-449(c)-103. Please contact the Bureau of Waste Management at 860-424-3372 for information regarding EPA Identification Numbers. EPA Identification Numbers are not needed for transportation of non-RCRA hazardous wastes or biomedical wastes.

### **Part II: Permit Type and Fee Information**

Please check the appropriate box for *each* permit type for which you are applying. Note that the fees listed on the form reflect increases that were effective August 21, 2003.

- ***Hazardous Waste Transporter Permit:*** for transportation of any RCRA hazardous and/or non-RCRA hazardous waste.

RCRA hazardous wastes are defined as hazardous waste under the Resource Conservation and Recovery Act (RCRA) and are identified in Title 40 of the Code of Federal Regulations (CFR) Part 261. RCRA hazardous wastes are regulated in Connecticut pursuant to RCRA Section 22a-449(c)-100 through 110 and Section 22a-449(c)-11.

Non-RCRA hazardous wastes include waste oils or petroleum or chemical liquids and hazardous waste which are not regulated by Connecticut Hazardous Waste Management Regulations. Additional information on Non-RCRA hazardous waste may be obtained from the "Non-RCRA

Hazardous Wastes (Connecticut Regulated Wastes)" fact sheet which is available at <http://www.dep.state.ct.us/pao/weedfact/nonrcrafts.pdf>

The hazardous waste transporter permits may be issued for one, two, three, or four-year durations. You must indicate which you are applying for by selecting the appropriate box on the form.

- **Spill Contractor Permit:** All spill contractors must apply for a one year hazardous waste transporter permit as well as a spill contractor permit. A spill contractor permit application is incorporated as Attachment J of the *Permit Application for Waste Transportation*.
- **Biomedical Waste Transporter Permit:** for transportation of any biomedical waste. Biomedical waste is defined in CGS Section 22a-207 and includes infectious waste, pathological waste and chemotherapy waste and is regulated pursuant to RCSA Section 22a-209-15.

The total fee(s) as shown on the application form must be submitted with the application. If the applicant is a municipality, the 50 percent fee discount applies. DEP will not process an application unless the required fees have been paid.

### Part III: Applicant Information

When completing this part, please use the following standards:

- **Name** - Provide the full, legal company/firm name. (If identifying an entity registered with the Secretary of the State, fill in the name exactly as it is shown on the registration.) If identifying an individual, provide the full legal name (include title and suffix) in the following format: Title (Ms, Dr, etc.); First Name; Middle Initial; Last Name; Suffix (Jr, PE, PhD, etc.).
- **Phone** - Unless otherwise indicated, the phone number provided should be the number where the

individual can be contacted during daytime business hours.

- **Contact Person** - Provide the name of the specific individual within the company whom DEP may contact.
- 1. **Applicant** - Fill in the applicant's name and phone number exactly as it appears on the *Permit Application Transmittal Form*. If applicable, also provide the company name, the Federal Employee Identification Number (FEIN) and the location address, if different than the mailing address.
- 2. **Primary Contact** - If you have authorized a consultant, engineer, attorney or other individual to act for you during the processing of the permit application, complete this section. DEP will direct copies of all correspondence and inquiries to this primary contact.
- 3. **Attorney** - It is not required that an applicant be represented by an attorney or any other agent. If you do have an attorney, complete this section.
- 4. Fill in the name(s), mailing address(es), and phone number(s) of the legal owner(s) of the facility.

Check the appropriate box to identify the type of owner of the facility. If the owner is a corporation, please answer question 4a.

- a. Identify the city, state and date of incorporation.
  - b. List the names, titles and addresses of all corporate officers.
5. Indicate by checking yes or no, whether the applicant or owner(s) stated in item 4, including all partners and corporate officers, engage in other activities or own other companies that transport, treat, store, recover, or dispose of oil and chemical waste, hazardous waste, and/or

biomedical waste. If so, identify the owners of such companies or activities, the name of the company, the company address and the type of activities performed.

#### **Part IV: Activity or Company Information**

1. Please check the appropriate box to identify each type of waste the applicant is transporting or proposes to transport.
2. Indicate by checking yes or no, whether transfers of wastes from one vehicle to another or one mode of transport to another will be conducted at places other than at the applicant's terminal.
3. Indicate by checking yes or no, whether the transporter is a generator of hazardous waste who transports 1,000 kilograms (kg) or greater of their own hazardous waste in a calendar month to an off-site facility.
4. Identify the number of terminals the applicant operates in Connecticut.
  - a. List the name of each terminal manager and the address and phone number of each terminal.
5. Check the appropriate boxes to verify that the following driver training requirements have been met:
  - a. All drivers must be trained in proper emergency response for the types of wastes transported in accordance with RCSA Sections 22a-449(c)-100 through 110 and 22a-449(c)-11. Such training shall include at a minimum:
    - spill reporting requirements for Connecticut;
    - required safety equipment and use;
    - first aid in the event of accidents with the waste being transported;
    - hazards involved with loading and unloading;
    - a working knowledge of the shipping papers and terms involved;
    - a working knowledge of the physical and chemical properties of the waste being transported; and
    - emergency procedures for the waste being transported.
6. All drivers engaged in the transportation of wastes which are classified as hazardous materials as defined in the Hazardous Materials Regulations given in Title 49 of the Code of Federal Regulations (49 CFR) must be in compliance with all the applicable requirements given in Parts 171 and 172 of 49 CFR.
7. Employers/Employees engaged in emergency response as defined in Title 29 CFR 1910.12(a)(3) must be in compliance with all applicable requirements of the regulations developed by the Occupational, Safety and Health Administration cited in Title 29 CFR.
8. Indicate by checking yes or no, whether or not you wish to be put on a public list of permitted transporters which may be distributed upon request.

#### **Part V: Supporting Documents**

All permit applications must include Attachments A through M, unless otherwise noted in these instructions. Place a check mark in the appropriate box by each applicable attachment as verification that all applicable attachments have been submitted. Please label all attachments as referenced in the permit application form and these instructions and be sure to include the name of the applicant as indicated on the *Permit Application Transmittal Form*.

**Attachment A: List of Transporter Permits Held in Other States (DEP-WEED-APP-401)**

Submit as Attachment A on the form provided by DEP, a list of all permits held by the applicant in other states for the transportation of regulated wastes. Please identify the type of permit, the state that issued the permit, the permit number and the expiration date.

**Attachment B: Vehicle List (DEP-WEED-APP-402)**

Submit as Attachment B on the form provided by DEP, a list of vehicles (tractors and trailers) intended to be used for the transportation of waste in or through the State of Connecticut. If the vehicles you intend to use have separate motorized and waste carrying sections (i.e., tractor/trailer), then list the required information on both sections of the vehicle. Enter N/A for capacity if the vehicle is a motorized section (i.e., tractor).

In the "Type" column, indicate if the vehicle is a tractor, dump trailer, box trailer, tank trailer, vacuum trailer, straight tanker, straight vacuum, straight box, straight dump, van, rack, pick-up, etc., as appropriate.

In the "Capacity" column, indicate:

- the volume of any tank in gallons;
- the volume of any dump body in cubic yards;
- the capacity of any other vehicle in number of containers (e.g., 55 gallon drums) or other appropriate units;

Be sure to specify the units (i.e., gallons, cubic yards, drums) in this column also.

In the "Address" column, indicate the address where each vehicle is most frequently garaged, or if not garaged at any fixed location, the garage(s) the vehicle most frequently leaves from and returns to at one or more points in the normal course of

operations.

In the "Owner" column, indicate the name of the owner as it appears on the title of each vehicle.

In the "Dedicated Vehicle" column, indicate if the vehicle is dedicated to the transportation of non-RCRA hazardous wastes, RCRA hazardous waste, or biomedical wastes. If you enter "No" for a vehicle, attach a separate sheet identifying the material transported in that particular vehicle and identify the vehicle by listing the state the vehicle is registered in and the vehicle license plate number.

**Attachment C: Vehicle Inspection Information**

Submit as Attachment C, vehicle inspection information which includes documentation (i.e., inspection reports) that verifies each vehicle registered in Connecticut currently meets the DOT inspection requirements pursuant to 49 CFR 396.17(a) and 396.19.

In addition, include in Attachment C documentation that verifies each tank vehicle registered in Connecticut has been successfully inspected by the local fire marshal.

**Attachment D: Certification of Insurance**

Submit as Attachment D, certification of insurance which includes:

- an original Certificate of Insurance listing the Connecticut Department of Environmental Protection, Bureau of Waste Management, 79 Elm Street, Hartford, CT 06106-5127 as a certificate holder; and
- a MCS-90 Endorsement to the policy(ies) identified on the Certificate of Insurance to verify that the applicant has met the minimum levels of financial responsibility as required by 49 CFR Part 387.

### **Attachments E1, E2, E3: List of Wastes**

Submit as Attachment E1, E2, and/or E3, on the forms provided by DEP, the list of wastes you intend to transport.

Attachment E1 must be submitted if you intend to transport non-RCRA hazardous waste;

Attachment E2 must be submitted if you intend to transport RCRA hazardous waste;

Attachment E3 must be submitted if you intend to transport biomedical waste.

In Attachment E1 (DEP-WEED-APP-403) identify the non-RCRA hazardous waste you intend to transport by listing the following: the waste number, if applicable; the waste name; the source or process generating the waste; the physical and chemical characteristics of the waste (e.g., toxicity, ignitability, corrosiveness); the waste management facility(ies) to which the waste will be transported and which is authorized to accept the waste type; and the waste management facility's management method for the waste type. If there is more than one waste management facility to which the waste will be transported or if there is more than one waste management method, please list these on the form. Non-RCRA hazardous waste numbers may be obtained from the "Non-RCRA Hazardous Wastes (Connecticut Regulated Wastes)" fact sheet which is available at

<http://www.dep.state.ct.us/pao/weedfact/nonrcrafts.pdf>

In Attachment E2 (DEP-WEED-APP-404) identify the RCRA hazardous waste you intend to transport by listing the following: the EPA waste number, the waste name, the source or process generating the waste; the physical and chemical characteristics of the waste; the waste management facility to which the waste will be transported to and which is authorized to accept the waste type; and the waste management facility's management method for the waste type. The EPA waste number may be obtained from Title 40

CFR Part 261.

In Attachment E3 (DEP-WEED-APP-405) identify the biomedical waste you intend to transport by listing the type of waste and the facility name and address to which such waste will be transported.

### **Attachment F: Spill Control and Safety Equipment**

Submit as Attachment F, a list all spill control equipment and safety equipment that will be carried on vehicles while transporting waste.

Recommended spill control equipment includes but is not limited to: drum plugs, sealant, overpack or salvage drum, 6 mil plastic liners, absorbent pillows or other absorbent material, shovel, pail, broom, and the current U.S. DOT Hazardous Materials Emergency Guide Book.

Recommended safety equipment includes but is not limited to: protective clothing (coveralls, chemical resistant suits, acid vapor suits), hard hats with face shields, respiratory protection, chemical-resistant gloves, goggles or eye protection, safety flashlight, fire extinguisher, first aid kit, eye wash kit, reflective triangles.

All spill control and safety equipment necessary for the containment of minor spills should be tailored to the types of waste being transported.

### **Attachment G: Spill Control Plan**

Submit as Attachment G, a spill plan which includes a description of the actions that transporter personnel will take to contain and clean up both minor (i.e., leaking drum) and major (i.e., vehicle rollover) spill incidents. The description should be in a narrative form and should include:

- Safety precautions for transporter personnel;
- Notification of proper officials (including the Connecticut Department of Environmental

Protection Oil and Chemical Spill Section 860-424-3338 and State Police 860-685-8190;

- Spill containment procedures;
- Spill clean-up procedures; and
- Disposition of spill clean-up debris.

#### **Attachment H: Driver Information**

Submit as Attachment H, driver information which includes a list of the names, dates of birth and social security numbers of all drivers currently working for your company.

When new drivers are hired or employed, send an updated list with the permittee name and permit number to:

WASTE ENGINEERING AND ENFORCEMENT DIV.  
BUREAU OF WASTE MANAGEMENT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
79 ELM STREET, HARTFORD, CT 06106-5127

#### **Attachment I: Vehicle Decontamination Procedures**

Submit as Attachment I, vehicle decontamination procedures which include a written description of procedures used to clean tank and/bulk vehicles, and all vehicle decontamination procedures used to prevent the cross contamination of one material or waste by another material or waste transported by the same vehicle.

If the waste carrying portion(s) of the tank and/or bulk vehicles are decontaminated and/or cleaned in the State of Connecticut provide on a separate sheet:

1) the address(es) where such decontamination and/or cleaning is done; and 2) the disposal location of the decontamination and/or cleaning residuals and include such information with Attachment I.

#### **Attachment J: Supplemental Application for Spill Clean-up Contractors (DEP-WEED-APP-406)**

If you are applying for a Spill Contractor Permit, submit as Attachment J, on the form provided by DEP, a completed Spill Clean-up Contractor Application. Remember that if you are applying for a Spill Contractor Permit, you must also apply for a one year Hazardous Waste Transporter Permit.

#### **Attachment K: Applicant Compliance Information**

CGS Section 22a-6m provides for DEP review of an applicant's record of compliance with the environmental laws of Connecticut, any other state and the federal government. Under the law, DEP may consider the applicant's environmental compliance record, as well as the record of the applicant's principals and any parent companies or subsidiaries, when reviewing a permit application. All permit applications for activities not previously permitted by DEP must include a completed *Applicant Compliance Information Form* (DEP-APP-002) as Attachment K.

#### **Attachment L: Operational Plan**

An operational plan must be submitted as Attachment L, if you are applying for a Biomedical Waste Transporter Permit.

The Operational Plan must include, at a minimum, the following:

1. written procedures or instructions to avoid rupture of packaged wastes (e.g., avoid mechanical loading devices, etc. which may rupture packaged wastes);
2. written guidelines for the storage and transportation of biomedical waste. At a minimum, these guidelines must include the following:
  - a. All vehicle cargo compartments containing regulated medical wastes must be secured

and locked at anytime the vehicle is unattended;

- b. all vehicles must carry a spill containment and clean up kit (contingency plan) in the vehicle whenever medical wastes are conveyed.

3. Written plans and procedures described below and a list of equipment which will be included in the spill containment and clean up kit. The following minimum items must be included in a spill containment and clean up kit:

- a. written plans for disinfection of the vehicle and any contaminated surface if a leaking container is discovered;
- b. notification list with telephone numbers of individuals and/or agencies who are to be contacted in the event of a transportation accident. This list shall include the local police, or sheriff, local highway patrol, local health department and the DEP Solid Waste Division;
- c. a written plan for action that will be taken. This plan should address the clean-up and decontamination of potentially contaminated surfaces; designation of back-up transport for the medical wastes; a description of the plans for the re-packaging and labeling of medical wastes where containers are no longer intact;
- d. written procedures to be followed if a fire, theft or natural disaster occurs;
- e. written procedures for the management of a leaking container or container that has lost its integrity;
- f. written procedures for the correct management of a container or truckload of waste that is not accepted by the processing and/or disposal facility;

- g. a list of all protective clothing that will be included in the spill containment and clean up kit. The following must be included at a minimum:

- gloves and coveralls, per OSHA regulations 29 CFR 1910.132;
- utility gloves for maintenance/ housekeeping personnel;
- dust masks and eye protection when aerosols are expected;
- protective clothing that are liquid repellent when "infectious" liquids might be expected (e.g., blood and blood products); liquid repellent coveralls or lab coats; liquid repellent shoes.

#### **Attachment M: Management Plan**

A management plan must be submitted as Attachment M, if you are applying for a Biomedical Waste Transporter Permit.

The Management Plan must include the following:

1. policies and detailed procedures for the safe and effective management of medical waste;
2. provisions for contingencies in emergency situations;
3. procedures for making the entire plan available on site for public health and environmental officials, the public and clients;
4. type of medical waste that the commercial transporter handles;
5. transportation procedures for the medical waste;
6. list of disposal facilities that will be utilized in the disposal of medical waste;

7. steps taken to minimize exposure of employees to infectious agents throughout the process of transporting and/or disposing of medical waste;
8. names of the individuals responsible for the transportation and management of medical waste;
9. names/phone numbers of emergency coordinators and response procedures for emergency situations.

## Part VII: Application Certification

After the application has been completed it must be reviewed and signed by both the applicant(s) and the individual(s) who actually prepared the application. By their signature, they certify that to the best of their knowledge and belief, the information contained in the application, including all attachments, is true, accurate and complete.

The certification of the application package must be signed as follows:

1. For an individual(s) or sole proprietorship: by the individual(s) or proprietor, respectively;
2. For a corporation: by a principal executive officer of at least the level of vice president;
3. For a limited liability company (LLC): a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s);
4. For a partnership: by a general partner;
5. For a municipal, state, or federal agency or department: by either a principal executive officer, a ranking elected official, or by other representatives of such applicant authorized by law.

An application will be considered insufficient unless all required signatures are provided.

## Available Resources:

Below is a list of possible resources for specific information required for this application.

- Department of Transportation  
Motor Transport - Permits  
860-594-2878
- Department of Motor Vehicles  
Motor Vehicle Inspections  
860-566-4512
- "Non-RCRA Hazardous Waste"  
Waste Engineering and Enforcement Division,  
Bureau of Waste Management, Department of  
Environmental Protection 860-424-3372
- EPA Waste Numbers (Waste Codes): State  
Library and/or Office of the Federal Register  
(202-783-3238), Title 40 Code of Federal  
Regulations (CFR) Part 261 Subpart D.
- State and federal statutes and regulations are  
available for review at various locations:  
  
State Library (Hartford)  
  
University of Connecticut Law School (Hartford)  
  
Yale University Law School (New Haven)  
  
Superior Courthouse Libraries (located  
throughout the state

the public and clients: